

Adult and Community Services  
Data Protection & Information Officer

Our Ref: 18779

6 April 2016

**Re: Request for information under the Freedom of Information Act 2000**

Your request for information which was received on 7 March 2016 has been considered. Please find our response below.

You requested the following information:

*For the last 3 full statistical years and year to date; and with respect to adoption performance - specifically the number of children or percentage number of children who are placed for adoption or adopted in any given year:*

*Q 1- Central government adoption performance management*

*1 (a) Has the DfE or any other central government department (such as the Adoption Leadership Board or Ofsted) (or anyone on their behalf) set individual targets for your performance (beyond published national adoption scorecards & thresholds)?*

*1 (b) What substantive, individual responses have you received from the DfE etc. in response to your adoption performance? (Including letters, conversations, meetings, requests, interventions, challenges, improvement notices or 'support' to improve adoption performance); and what reports has any part of your authority (social care, adoption, business or strategic sections etc) generated in relation to these?*

*1 (c) Does your Local Authority receive (or has your local authority ever received) any financial benefit which arises in whole or in part from the number of children or percentage number of children who are placed for adoption or adopted in any given year? (By this we do not mean by comparison of the relative costs of adoption as opposed to other placement options for a child, we mean a direct financial benefit provided by Central Government that correlates with adoption performance)*

*1 (d) What information have you received (written or otherwise) on how the amount of Adoption Reform Grant allocated to your particular authority for years 2013/2014 and 2014/2015 was determined? Did you make any representations, have any conversations or seek any clarification at any stage?*

*1 (e) Please provide a copy of your authority's "Grant Usage Statement" and "Interim Progress Report" to the DfE.*

*Q2 Adoption performance management at local level*

*2 (a) What statistics, analysis; reports, does any part of your authority, including social care, adoption, business and strategic sections, generate over and above central government returns? (Including but not limited to Performance Analysis Reports of Adoption Scorecards; Strategic or Business Plans; Children and Young People's Plans; Adoption Action Plans and Reports to and Minutes of the Council's Scrutiny Committee) Please provide copies for the last 3 statistical years and year to date or links if publicly available online.*

*2 (b) What performance management tools or systems does your authority operate and in particular what key performance indicators, targets, or similar does your authority apply (or has your authority applied in the last 3 years). Please provide copies for the last three full statistical years and year to date or links if published.*

*2. (c) How are these implemented within the organisation to assess performance and effect change (generally and specifically in relation to adoption performance?) Eg:*

*i How are any local KPI's or targets set and who sets them?*

*ii Who reports to whom locally and regionally?*

*iii How is individual performance measured with respect to identified KPI's, targets or other performance indicators such as through individual appraisals or target setting for individual managers, Agency Decision Makers or frontline social workers?*

*2 (d) Do any social workers or managers employed by your Local Authority receive any financial benefit over and above their salary, which arises in whole or in part from the number of children or percentage number of children that they obtain a Placement Order or Adoption Order for?*

Response

1 (a) No

(b) No

(c) No. To the best of our knowledge any income received is on a case by case basis on eligibility and is not performance related.

(d) Grants for each local authority were determined by the Secretary of State and we did not seek further clarification.

(e) Please see attached Progress Report

2 (a) Link to CYPP

[http://www.richmond.gov.uk/children\\_and\\_young\\_peoples\\_plan\\_2013\\_2017](http://www.richmond.gov.uk/children_and_young_peoples_plan_2013_2017)

Link to Council's Scrutiny Committee

<https://cabnet.richmond.gov.uk/mgCommitteeDetails.aspx?ID=680>

(b) Children Services is provided by Achieving for Children (AfC) a community interest company. We are unable to provide this information as it is commercially sensitive. Please see Appendix 1 for the detailed legal reasoning behind this decision and your right of appeal.

(c) (i) KPIS's and targets are set based on national policy and standards, and on local policy and service needs. They are set by AfC in negotiation with the commissioning council.

(c) (ii) AfC provides performance information at a local level and that for the purposes of statistical returns to the Commissioning Council. The Council are responsible for submitting statutory reports to the relevant government office/agency.

(c) (iii) Through target setting for individual managers

(d) No

Kind regards

Data Protection and Information Officer

## Appendix 1

### Detailed Legal Reasoning

Section 43 (2) of the FOIA provides an exemption from disclosure of information which would or would be likely to prejudice the commercial interests of any person, including the Council.

The ICO defines 'commercial interest' as "a person's ability to participate competitively in a commercial activity i.e. the purchase and sale of goods or services."

The withheld information consists of performance management tools. AfC operates a traded service with other local authorities and public sector organisations, advising and supporting organisations to develop performance management frameworks and local reporting/KPIs. Therefore this information is clearly a commercial activity and therefore broadly constitutes commercial interest.

Disclosure of this information would give insight into the organisation's work practises and therefore depreciate the value of this information. We are satisfied that the information is commercial in nature and that disclosure would be likely to prejudice the AfC in a commercial environment. Therefore the disputed information falls within the scope of the exemption.

### Public interest test

Section 43 (2) is subject to the public interest test. We have considered the public interest factors involved.

### Public interest factors in favour of disclosure

We appreciate that there is a public interest in the general principles of transparency and accountability. More specifically there is a public interest in understanding the how services are monitored. This is of greater significance when dealing with services such as Children's services which have a notable impact on the local community and wider public. Disclosure of this information would ensure complete transparency and demonstrate Council is achieving value for money.

### Public interest factors in favour of maintaining the exemption

AfC has the commercial advantage of employing individuals who have worked within this industry and therefore can base their services on this bespoke knowledge. By disclosing the disputed commercial information AfC would no longer have this commercial advantage and therefore disclosure would be likely to cause actual prejudice to the commercial interests of the AfC

AfC is a Community Interest Company which means that it exists to benefit the community rather than private shareholders. Therefore there is a strong public interest in ensuring the company is successful as any profits are reinvested in the company to meet its social obligations; in this case Childrens Services.

The ICO agrees that there is a strong public interest in avoiding unwarranted prejudice to the commercial interests of third parties. This is demonstrated in his recent decision notice FS50543916 where he agreed with the University of Sussex's decision to withhold parts of a contract such as methodology and pricing. He specifically stated;

*"When this contract comes up for tender again or similar contracts are available in the facilities management market, Interserve will wish to maintain its competitive edge and rightly so considering the expertise and resource it has invested in developing its competitiveness."*

The ICO found that there was a likelihood of actual prejudice to the company from disclosure and that *"the public interest is best served by maintaining a competitive environment. This will enable Interserve to compete fairly and unbiasedly in future bidding exercises and will ensure that the most competitive submissions are made to the university in future tender processes"*.

We believe disclosing this type of information would provide competitors with an opportunity to access commercially sensitive information which would put AfC at disadvantage in future tender opportunities

In this case we do not believe the public interest in the disclosure of the disputed information outweighs the public interest in maintaining the exemption

In accordance with the provisions of the Act, this letter constitutes a Refusal Notice.

You have the right of appeal against the decision. If you wish to appeal please set out in writing your grounds of appeal and send to:

Corporate Complaints and Access to Information Manager  
Community Engagement & Accountability Team  
Adult and Community Services  
3rd Floor Civic Centre  
44 York Street  
Twickenham  
TW1 3BZ

E-mail: [foi@richmond.gov.uk](mailto:foi@richmond.gov.uk)

If you are dissatisfied with the outcome of the internal appeal you may appeal further to the information Commissioner's Office at:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

fax: 01625 524 510  
DX 20819

[www.ico.org.uk](http://www.ico.org.uk)