

Response ID ANON-W7NQ-WSGR-G

Submitted to Extension of Freedom of Information in (Scotland) Acts 2002 (FOISA) to private and third sector providers of care home and 'care at home' services

Submitted on 2026-03-16 11:57:31

Extension of FOISA to private and third sector operated care home and 'care at home' services

1 Do you agree that FOISA should be extended, where possible, to private and third sector (charity and not-for-profit organisation) run care homes?

Yes

Please use the space below to set out your detailed views:

2 Do you agree that FOISA should be extended, where possible, to private and third sector (charity and not-for-profit organisation) run 'care at home' services?

Yes

Please use the space below to set out your detailed views::

The role of public funding in identifying functions of a public nature

3 Whether or not you actually support any extension, please indicate which of the following statements best reflects your view:

a) If FOI law were to be extended to care home and 'care at home' providers, information about all such services should, where possible, become subject to FOI law, irrespective of the level or type of public funding that supports those services.

3(a) If you chose option 'b' above, please set out any more detailed thoughts you may have on the type or level of public funding that should result in the provider becoming subject to FOISA :

Please provide your detailed views::

A care home and 'care at home' provider should be subject to FOI if they receive any public funding. It would probably be too difficult to separate services funded by public funds from other services, as scrutiny is likely to involve issues such as care standards.

Services provided to children and young people

4 Do you agree that any extension to private and third sector care home and 'care at home' services should apply to such services when delivered to children and young people (i.e. people under 18 years of age)?

Yes

5 Are there any issues, opportunities or challenges specific to children and young people's services which require to be considered?

Please set out how you see these::

There is a high level of private providers delivering what is a public service in this sector. They should be subject to the same scrutiny as public sector providers. The usual FOI exemptions will cover any specific issues for this sector.

Position of smaller providers

6 Do you consider that the size of a private or third sector care home or 'care at home' service provider should have any bearing in whether that provider is made subject to FOISA?

No

6(a) If you answered 'yes' to question 6, which of the following statements best reflects your views in relation to care home providers?

Not Answered

6(b) If you answered 'yes' to question 6, which of the following best reflects your views in relation to 'care at home' providers?

Not Answered

6(c) Do you have any other comments on the challenges or opportunities that might come from extending FOISA to smaller providers?

Please use the space below to set out your views::

Those who receive care from small providers/others with an interest in the services they provide should not be disadvantaged compared with those who receive care from a relatively large provider. Many small providers are part of a larger organisation. The experience with Registered Social Landlords is that requests are rare and proportionate.

Supporting the rollout of any extension

7 What would be most helpful to assist care providers in discharging their obligations under FOISA?

Please provide your thoughts below::

There should be training provided for the organisation and designated staff. However, experience more broadly shows that FOI delays are typically caused by line managers. This suggests that training should include all managers.

8 What would be most helpful to people who access social care and other members of the public to enable them to access their rights under FOISA?

Please provide your thoughts below: :

An awareness campaign that highlights the new rights.

9 What categories of information relating to the work of care home and 'care at home' services would people be most likely to seek?

Please provide your thoughts below:

Initially, we suspect they will focus on care standards, staffing levels, staff turnover, training and funding.

Impact Assessments

10 Do you have any comments on the business and regulatory impact of FOISA extension for organisations?

Please provide your thoughts below::

None

11 Do you have any comments on impact of FOISA extension in relation to the fulfilment of data protection rights and obligations?

Please provide your thoughts below::

None

12 Do you have any comments on how the proposed extension might impact differently, whether positively or negatively, on different people in Scotland in relation to any of the protected characteristics mentioned above?

Please provide your thoughts below::

None

13 Do you have any comments on how the proposed extension might impact on the human rights of people in Scotland or beyond?

Please provide your thoughts below::

It will significantly improve them.

14 Do you have any comments on how the proposed extension might impact individuals affected by socio-economic disadvantage?

Please provide your thoughts below::

None.

About you

What is your name?

Name:

Dave Watson

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
Jimmy reid Foundation

Further information about your organisation's response

Please add any additional context:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

What is your email address?

Email:
contact@reidfoundation.scot

Where did you hear about this consultation?

Social media/email of an organisation you follow

If other, please say where::

Evaluation

How satisfied were you with this consultation?

Very satisfied

Please enter comments here.:

How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?

Very satisfied

Please enter comments here.: