

Appendix One: Suggestions for using the questions

Overall

One of our main reasons for looking at how one particular ICS used patient data was to identify questions that KONP campaign groups might want to put to their local ICB in order to clarify data use or challenge existing practice.

Appendix 2 includes questions that we have either already asked as part of the research, or that have been prompted during the writing of the report and so are not tested as yet.

Some questions may be useful as they stand, but others may need adapting to local circumstances. Some questions at first glance may only appear relevant to the SEL ICS, but we include them as they may also prompt queries about something similar to put to another ICB.

Questions are largely organised in line with the themes described in the report with the aim of showing how they have been arrived at. Although some questions may still seem obscure, we suggest submitting them will help to show the ICB that they are being watched.

We'd be interested to hear how you get on and to hear the answers that you get, so would be grateful if you could forward any responses to us.

For those unfamiliar with submitting questions on these topics

You can submit questions either by putting these to your ICB, by making a Freedom of Information (FOI) request, or by doing both.

It transpires that different ICBs have different approaches to dealing with questions from the public. Some Boards will allow members of the public to attend their meetings and will address questions that were submitted in advance by the public, but it is unlikely that you will be able to respond to, let alone discuss any answer. We have found ICBs are far less willing to engage with the public than CCGs were.

Depending on the information already available about an ICS, the first step may be to submit an initial series of questions to the ICB to understand its organisational structure and the different committees, sub-committees and other bodies that deal with data, along with their terms of reference. The ICS's Governance Handbook may provide some of this information but, in our experience, this may not cover all relevant bodies.

The next step we took was to decide which questions to prioritise and which approach to take (bearing in mind it probably means a series of submissions, rather than a single long list). For example, there is some benefit in addressing questions directly to an IC Board –doing so flags up that there is public interest, not least to the Board, and answers recorded in the Board's minutes might be useful to others, like local journalists. However, we have found that an ICB can mangle questions in a way that allows it to evade the issue or put a positive (and unmerited) spin on things.

Some ICBs have told us that the nature of our questions means they are more appropriate for a Freedom of Information (FOI) request. (The email address and postal address of the relevant FOI team will be available on the ICB's website.) Our experience so far suggests that submitting FOIs is the best option for unearthing the level of detail we want from an ICB. These requests take time – responses are supposed to be given within 20 working days but often take longer - and the FOI team may need reminding

that they are either running close to the deadline or have gone beyond it. Initial responses may provide scanty or inappropriate information and may need following up.

Keeping track of a series of FOIs that are being dealt with at different speeds is a challenge: we are finding it helpful to keep a chart that records the questions, date submitted, date of acknowledgement, and the date that a response is due. Alternatively, you can use *What Do They Know*¹ to manage the process for you. (They also have an archive of successful and unsuccessful FOI requests and responses that may be useful.)

Given the time element, we found it useful to submit some of the same questions to the ICB and the FOI team at the same time. However, this ran the risk that both requests would be passed to the same person for a response (and they might be sufficiently irritated to provide a poor response to both). Alternatively, and depending on the question and response, it may be profitable to use an FOI in the first instance, and then use the FOI response to better target a question to the Board.

Organisations can refuse to reveal some information (e.g. where responding to a part of a question is said to breach commercial confidentiality). Alternatively, they can refuse an entire request, or charge a fee, when they consider that a response would take up too much of their resources. We have found that if you have a number of questions to ask at any one time, it's a good idea to divide these up into smaller groupings and ask different group members to submit them.

If you have any queries, or are willing to send us any responses you get, please contact us at konpdataworkinggroup@gmail.com CHECK

¹ <https://www.whatdotheyknow.com>