

**FOI ref no:** SCO/FOI/041/2024

**Date:** 6 December 2024

**By Email:**

Dear Applicant,

**Freedom of Information request: reference SCO/FOI/041/2024 first notified to us by email on 24 October 2024.**

Please can you provide minutes of the Domestic Abuse and Commissioning Board since the inception of the current provider, New Era (both the current and previous contract), or any previous incarnation of the board, covering any committee/board which oversees or scrutinises this service.

**Staffordshire Commissioner's Office response to your enquiry is as follows:**

**The Staffordshire Commissioner's Office holds the following requested information.**

- Minutes of the Domestic Abuse Commissioning and Development Board
- The minutes available are from 2017 to current date.

**The Staffordshire Commissioner's Office withholds the following information.**

- Specific information contained within the 28 sets of minutes which relates specifically to:
  - DHR's now known as DARDR's
  - Aspects of Funding
  - Information pertaining to the Safeguarding Boards for Staffordshire and Stoke-on-Trent (Adults and Children).
  - Personal Information
  - Aspects of Performance Data

**The above information has been withheld for the following reasons:**

To release details that are given and discussed at the DACDB would result in an actionable breach of confidence. It is imperative that full and frank discussions take place and board members can share sensitive information without fear of any speculation entering the public domain and undermining the purpose of the Board.

**The following exemptions have been applied:**

**In accordance with Section 17(1) of the Freedom of Information Act, I am declining to provide any further information as I am citing the following exemptions:**

- **Section 41(1) (a) (b) – Information provided in Confidence**

Section 41(1) (a) (b) is an absolute exemption although not qualified, there is a requirement to conduct a PIT (Public Interest Test) on whether the common law duty of confidentiality can be overcome.

- **Section 40(2) – Personal Information.**

Section 40(2) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third-party information held by the Staffordshire Commissioner's Office, would breach the data protection principles; namely –

- **Data is lawfully and fairly processed.**
- **Processed in line with an individual's rights.**
- **Data is secure.**

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

### **Public Interest Test**

#### **Factors favouring disclosure for Section 41**

There is a general public interest in disclosure and openness concerning the governance of the Domestic Abuse agenda. There is a public interest in giving assurance to the public that effective arrangements are in place for supporting those affected by Domestic Abuse.

#### **Factors not favouring disclosure for Section 41**

Any Board relies on the willingness and cooperation of all partners involved to have full and frank discussions that must take place where various views are held. The effectiveness of the DACDB is maintained by the understanding among those who participate in it that some information they provide about specifically DHR/DARDR's, Safeguarding Boards, and Funding is kept in confidence, unless there is a lawful reason to do otherwise. It is vital that participants provide their information freely and openly and, in an environment, where they can trust that their information will not be prematurely disclosed, or released simply upon request.

If participants did not trust that the information discussed would be kept in confidence then it would deter them from discussing views in a full and frank manner. This would be likely to prejudice the exercise of the DACDB and undermine its maintenance of the various legal requirements about confidentiality of information. Failure to adopt this approach would undermine the recognised strength of the Board as the single DA governance across the geography and may deter partnerships from participation. In turn this would be likely to prejudice the exercise of the Board and its function in holding partners to account for the delivery of DA related multi-agency strategic plans.

The DHR statutory guidance (May 2024) clearly documents that any final published DHR's must be anonymised. The guidance clearly states it is the responsibility of the Home Office Quality Assurance

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Board to review all DHR's prior to publication. The purpose of the QA Board is to consider whether the DHR has met the requirements set out in the DHR statutory guidance and to consider any gaps in the DHR. Where gaps are identified, the QA Board will provide feedback to the CSP. DHRs cannot be published without approval from the QA Board. DHR's are then published on the Domestic Homicide Review Library. Therefore, Section 22 – Intention to Publish can also be applied as an exemption as the information albeit anonymised is published as identified above.

Information pertaining to the Safeguarding Board for Stoke on Trent and Staffordshire (Adults and Children) is provided in confidence to the DACDB, therefore we are satisfied that this is sufficiently covered under this exemption. Any information released would cause potential harm to those discussed as well as identifying specific individuals.

This exemption also covers unsuccessful funding bids, recognising that it is not in the public interest to receive details of provider funding arrangements, or where partners to secure DA related funding, which may give cause for a reduction in public confidence. It would also give competitors an unfair advantage, which potentially could invoke Section 43 Commercial Interests – section 43 (2).

At times there will be full and frank discussions around performance data, whilst there is some detail provided in the documents provided there will be times where the detail discussed if released in the public domain would cause significant harm and potentially identify individuals. Whilst every effort has been made to release some information, there are elements of the data that is covered under section 41 as well as section 40.

### **Balance Test**

The Staffordshire Commissioner's Office take's it's obligations on the DACDB very seriously. Although the assurances that release of this information would provide are important, it is of paramount importance that the integrity of the DACDB is not jeopardised. Release of any information that may interfere or prejudice would not be undertaken. Therefore, on balance it is our opinion that the factors supporting release of this information are outweighed by those opposing and this information will not be released.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this email and should be addressed to:

Independent Review Manager  
Staffordshire Commissioner's Office  
Block 9, Staffordshire Police HQ  
Stafford  
ST18 0YY

Or emailed to: [FOI.PFCC@staffordshire-pfcc.gov.uk](mailto:FOI.PFCC@staffordshire-pfcc.gov.uk).

Please remember to quote the reference number in any future communications.

Yours sincerely

**Freedom of Information Decision Maker**