



Meeting of East Renfrewshire Health and Social Care Partnership	Integration Joint Board
Held on	25 November 2015
Agenda Item	9
Title	Freedom of Information Policy
<p>Summary</p> <p>This paper explains the requirement for the Integration Joint Board to have a Freedom of Information Policy and Publication Scheme. It sets out current arrangements for ensuring that key policy and performance documents are easily available to the public. A draft Freedom of Information Policy is attached along with proposals for short life working groups for both a Publication Scheme and a Records Management Scheme.</p>	
Presented by	Stuart McMinigal, Business Support Manager
<p>Action Required</p> <p>The IJB is asked to:-</p> <ul style="list-style-type: none"> ▪ Approve the IJB Freedom of Information Policy ▪ Agree to the setting up of short life working groups for both a Publication Scheme and a Records Management Scheme. 	
<p>Implications checklist – check box if applicable and include detail in report</p> <p> <input type="checkbox"/> Financial <input checked="" type="checkbox"/> Policy <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Equalities <input checked="" type="checkbox"/> Efficient Government <input type="checkbox"/> Staffing <input type="checkbox"/> Property <input checked="" type="checkbox"/> IT </p>	

EAST RENFREWSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP

INTEGRATION JOINT BOARD

25 November 2015

Report by Chief Officer

FREEDOM OF INFORMATION POLICY

PURPOSE OF REPORT

1. To approve the Integration Joint Board (IJB) Freedom of Information Policy as required by the Freedom of Information (Scotland) Act 2002.

RECOMMENDATION

2. The IJB is asked to:-
 - Approve the IJB Freedom of Information Policy
 - Agree to the setting up of short life working groups for both a Publication Scheme and a Records Management scheme.

BACKGROUND

3. The Freedom of Information (Scotland) Act 2002 (“the Act”) imposes a number of obligations on Scottish public authorities including East Renfrewshire Integration Joint Board. The Act gives a general right of access to recorded information held by public authorities, subject to certain exemptions.
4. As part of its transformation programme the former CHCP had developed a series of web pages on the East Renfrewshire Council website with a direct link from the NHS GGC web site. These pages have been updated to reflect the move to the Health and Social Care Partnership with a dedicated section for key IJB strategic documents. The Board papers are currently hosted on the Council agenda and papers website with a link from the HSCP page. This allows past and present papers to be searched for specific topics of interest.

REPORT

5. The Draft East Renfrewshire Integration Joint Board Freedom of Information Policy has been developed drawing on the existing Freedom of Information Policies of East Renfrewshire Council, NHS GGC and national guidance.
6. Approval of the IJB Freedom of Information Policy will enable the HSCP to develop the mechanisms to ensure IJB compliance with the Act. This will include developing the following key documents:-
 - A publication scheme
 - A comprehensive retention schedule
 - Information request procedures
 - Information management guidelines

7. It is recommended that to support the creation, publication and implementation of these key documents the Business Support Manager convenes short life working groups for both a Publication Scheme and Records Management Scheme.
8. In addition the HSCP will consider and make recommendations for the future web presence for Integration Joint Board papers and publications.

FINANCE AND EFFICIENCY

9. An effective freedom of Information policy, publication scheme and accessible web presence can reduce officer time spent responding to ad hoc requests for information.

CONSULTATION

10. None required.

PARTNERSHIP WORKING

11. The short life working groups will draw on East Renfrewshire Council and NHS GGC expertise to support this work.

IMPLICATIONS OF THE PROPOSALS

Policy

12. This proposed Freedom of Information Policy will support the Integration Joint Board to meet its responsibilities under the Freedom of Information (Scotland) Act 2002. The publication scheme will need to be approved by the Scottish Information Commissioner.

Staffing

13. None

Legal

14. As a public body the Integration Joint Board. Integration Joint Boards are a “public authority” for the purpose of Freedom of Information (Scotland) Act 2002. This means they are subject to both Freedom of Information (Scotland) Act 2002 and the related Environmental Information (Scotland) Regulations 2004, as well as other requirements of Freedom of Information legislation, and will be required to respond to information requests accordingly.

Property

15. None

Equalities

16. Equalities implications will be considered in the development of the publication scheme.

IT

17. The paper suggests retaining and reviewing the current internet arrangements for hosting IJB papers with East Renfrewshire Council with links from NHSGGC.

CONCLUSIONS

18. The approval of the Integration Joint Board FOI policy and the production of the associated key documents will provide the residents of East Renfrewshire and other interested parties with access to relevant and available information relating to the IJB.

RECOMMENDATIONS

19. The IJB is asked to:-
 - Approve the IJB Freedom of Information Policy
 - Agree to the setting up of short life working groups for both a Publication Scheme and a Records Management scheme.

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BACKGROUND PAPERS

[HSCP web page](#)

[IJB Meeting Papers](#)

KEY WORDS

Freedom of Information; FOI; Publication Scheme; Records Management

A report seeking approval for a Freedom of Information Scheme for the Integration Joint Board and the development of a Publication and Records Management Scheme.

East Renfrewshire

Integration Joint Board

Freedom of Information Policy

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1 Introduction

1.1 The Freedom of Information (Scotland) Act 2002 ("the Act") imposes a number of obligations on Scottish public authorities including East Renfrewshire Integration Joint Board. The Act gives a general right of access to recorded information held by public authorities, subject to certain exemptions. The Act also imposes additional responsibilities:-

(a) to produce a Publication Scheme which is subject to approval by the Scottish Information Commissioner. Publication schemes are high level, strategic documents in which a public authority makes binding commitments to make information available to the general public. Such schemes:-

- provide clear evidence to the public that an authority is meeting its obligations under the Act to be accessible, open & transparent;
- enable the public to see what information is already published, and to access it without having to make a formal request for information;
- give employees clear guidance about the information that they can and should give out to the public so they can respond to information requests efficiently;
- help reinforce leadership messages about openness and accountability to staff at all levels in the organisation;
- are to be easily accessible and designed to be easy to understand and to use by everyone (including those with no web access).

(b) to respond to requests (which must be in writing or some other permanent form) made by anyone for information held by the authority within set timescales (normally 20 working days) regardless of when it was created, by whom, or the format in which it is now recorded.

(c) to advise an applicant if information is not held.

(d) to specify within the terms of exemptions set out in the Act if the authority refuses to release the requested information.

(e) to charge for the provision of information only in accordance with regulations made under the Act and to decline to provide information if the cost of doing so exceeds a specified level.

(f) to make applicants aware of their right to seek a review of any decision on a request for information and of the right to pursue an appeal to the Scottish Information Commissioner if dissatisfied with the decision of the authority.

(g) to provide advice and assistance to applicants seeking information.

2 Scope

- 2.1 The Health and Social Care Partnership (HSCP) will ensure compliance with the IJB Freedom of Information by developing a range of procedures and guidelines. The key documents will be:
- information request procedures;
 - a comprehensive retention schedule;
 - information management guidelines; and
 - a publication scheme;
- 2.2 This Policy applies to all NHS and Council employees working within the HSCP and to IJB members.
- 2.3 Contractors, proposed contractors and others communicating with the IJB shall be informed of our obligations under freedom of information legislation and that we may have to disclose information which is provided to us by them.
- 2.4 The Policy will be supported by more detailed guidance on our obligations under ***freedom of information legislation***. This guidance will be published on the HSCP pages on Staff Net and East Renfrewshire Council's Intranet.

3 Responsibilities

- 3.1 The **IJB** has a statutory responsibility to make information available in accordance with ***freedom of information legislation***. Operationally this role will be carried out by the HSCP.
- 3.2 **The Chief Officer** is ultimately responsible for IJB compliance with relevant statutory provisions.
- 3.3 **The Business Support Manager** has responsibility for advising on the application of ***freedom of information legislation*** and for ensuring that the IJB meets its obligations under legislation.
- 3.4 **The Heads of Service and Chief Financial Officer** are responsible for quality assuring responses to information requests and for ensuring that freedom of information requests received within their services receive appropriate and timely responses from their staff consistent with the legislation.
- 3.5 **Managers** are responsible for ensuring staff under their direction and control are aware of the freedom of information policies, procedures and guidance laid down by IJB and for ensuring that those staff understand and apply appropriately those policies, procedures and guidance in carrying out their day to day work.
- 3.6 **All staff** must have a general understanding of ***freedom of information legislation*** and know where to refer any issues on which they require guidance.

4. Policy Statement

4.1 The IJB is committed to being open and honest in the conduct of its operations and in complying fully with the Freedom of Information (Scotland) Act. To this end the IJB will ensure:

- Compliance with the relevant Scottish Ministers Codes of Practice on ***Freedom of Information legislation*** and to related guidance issued by the Scottish Information Commissioner;
- a significant amount of routinely published information about the IJB is made available to the public as a matter of course through a Publication Scheme to be developed. This scheme will be regularly reviewed and updated.
- requests for information not included in the Publication Scheme will be processed wherever possible in accordance with our statutory obligations;
- assistance is provided to applicants seeking information;
- staff are aware of the need to be able to demonstrate the steps they have taken to identify if the IJB holds information sought by any individual;
- appropriate training and information is provided to staff at all levels within the organisation of their obligations and how they can obtain assistance in ensuring they meet these;
- staff are made aware that it is an offence under the Act to alter, deface, block, erase, destroy or conceal information with the intent of preventing disclosure.
- that a Records Management Policy is developed
- that personal data as defined in the Data Protection Act 1998 is held securely and is not inappropriately disclosed in response to a request for information under ***freedom of information legislation***.

5. Enquiries

5.1 The IJB will be responsible for dealing with enquires which relate wholly or substantially to information which it holds.

5.2 There may be a number of cross-organisational enquiries, and these will be coordinated by the Business Support Manager.

6 Appeals

- 6.1 Any applicant dissatisfied with the response to their enquiry can appeal to the Chief Officer. If they are still not satisfied, they have a right of appeal to the Scottish Information Commissioner.

7. Communication and Training

- 7.1 All staff will have a general awareness of the IJB and each organisation's obligations under ***freedom of information legislation***. We will use on-line training packages to form part of the mandatory training for new entrants. Specific and focused training will be provided on demand to specific categories of staff or staff groups.

8. Review

- 8.1 This Policy will be reviewed, along with other relevant information management policies, within two years of adoption.