
To: Renfrewshire Integration Joint Board

On: 15 January 2016

Report by: Chief Officer

Heading: Freedom of Information Arrangements

1. Summary

- 1.1** The purpose of this report is to advise the Integration Joint Board (IJB) of the arrangements for meeting its obligations under the Freedom of Information (Scotland) Act 2002 ("FOISA").
- 1.2** The Council and the Health Board are, as public authorities, both separately subject to FOISA, but this does not satisfy the IJB's obligations under the Act. Although the IJB will itself hold a very limited amount of information, it is designated as a 'public authority' under FOISA and so has its own obligations under FOISA. As a result, the IJB will need to respond to requests for information which it holds within the statutory timescale and have its own Publication Scheme.
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2. Recommendation

It is recommended that the IJB:-

- 2.1** Notes the arrangements for dealing with requests for information in respect of functions undertaken by the IJB.
- 2.2** Approve adoption of the Publication Scheme in Appendix 1.
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3. Background

- 3.1** FOISA came into force on 1 January 2005 and created a general right to obtain information from any designated Scottish public authority subject to limited exemptions. Most of the exemptions are only available if the request fails the "public interest" test. In other words, information must still be released if it is of greater benefit to the public to release the information than withhold it. Anyone, anywhere, can exercise their rights under FOISA and they need not tell the public authority why they want the information.
- 3.2** The IJB is subject to FOISA as a "Public Authority" under the Freedom of Information (Scotland) Act 2002 (Scottish Public Authorities) Amendment Order 2014.
- 3.3** In addition to putting into place the necessary arrangements for properly responding to requests for information, Section 23 of FOISA imposes a specific duty on Scottish Public Authorities to adopt and maintain a scheme that relates to the publication of information by the authority (a "Publication Scheme"). This requirement complements

the public's right to request information from public authorities by encouraging authorities to proactively publish as much information as possible. The aim is that access to public information becomes more “self serve” whereby the public can easily access information for themselves without having to make a formal request for information.

- 3.4** It is likely that the IJB will only hold a very limited amount of information to begin with and the Publication Scheme reflects that. However, it should be noted that any information the IJB creates will be subject to FOISA and therefore should be considered for the purposes of the Publication Scheme. For example, the Strategic Plan and other documents the IJB authors (i.e. strategies, policies and management of finances). Anything included in an approved Publication Scheme is automatically, and absolutely, exempt from release in response to an FOI request.
- 3.5** The Publication Scheme at Appendix 1 follows the model approved by the Scottish Information Commissioner, the regulator for freedom of information. Once a public authority has agreed to adopt the scheme, the Commissioner must be notified of its adoption and informed of the individual responsible for keeping the scheme up to date. This will be the RHSCP Coordinator, Jean Still.
- 3.6** It is important to note that the IJB must respond to FOI requests made directly to the IJB for information which it holds. The IJB cannot simply refer requests onto the Council or the Health Board, though it may be appropriate to redirect requestors to the Council or Health Board if the information requested is not held by the IJB. The parent organisations will continue to be responsible for FOIs relating to information they hold about the delivery of health and adult social care services under their existing FOI procedures.
- 3.7** When a parent organisation receives a FOI relating to the operational delivery of health and adult social care services:
- The parent organisation will share the FOI with the RHSCP Coordinator, to allow the RHSCP to retain a central record of all FOIs related to it;
 - The parent organisation will share the FOI response with the RHSCP Coordinator to allow the records to be updated;
 - In the event of an internal review or appeal, the RHSCP Coordinator will be notified, and kept informed of progress to ensure completeness of records.
- 3.8** All requests received by the IJB will be recorded by the RHSCP Coordinator, who will, on behalf of the IJB, keep a central record of FOI enquiries received, their progress, and the responses sent. The IJB's Chief Financial Officer will be responsible for overseeing and approving responses prior to release.
- 3.9** Under FOISA, if a requester is dissatisfied with the way their request has been handled, they are entitled to ask the authority for an internal review of the process. Any review will be handled by the Chief Officer. Requesters are also entitled to submit an appeal to the Scottish Information Commissioner if unhappy with the review decision reached by a public authority. In this event the Chief Officer will lead on that process.

- 3.10** In addition to having arrangements in place for responding to requests and maintaining a Publication Scheme, the Scottish Information Commissioner requests that authorities publish quarterly reports on numbers of requests received to their online statistics portal (<https://stats.itspubliknowledge.info/>). There is currently no legal obligation to do so, but participation by authorities is highly encouraged by the Commissioner. As the IJB is likely to receive relatively few requests for information, participation will have a minimal impact on resources.
- 3.11** In order to help meet its duties under FOISA, the IJB will be able to call upon professional support from Renfrewshire Council Information Governance Team, and NHS Greater Glasgow and Clyde if required, not only in relation to freedom of information, but also on matters of data protection, information security and records management
- 4.0 What's Next**
- 4.1** The IJB's FOI Publication Scheme will be published on the Renfrewshire Health and Social Care Partnership's web pages (currently under development) once approved.
- 4.2** The required notification will be submitted to the Scottish Information Commissioner informing them of its adoption.
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Implications of the Report

- 1. Financial** - None.
 - 2. HR & Organisational Development** – None.
 - 3. Community Planning** – None.
 - 4. Legal** – the IJB is legally required under the Freedom of Information (Scotland) Act 2002 to respond to requests for information and have a Publication Scheme in place.
 - 5. Property/Assets** – None.
 - 6. Information Technology** – managing information and making information available may require ICT input.
 - 7. Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
 - 8. Health & Safety** – None.
 - 9. Procurement** – None.
 - 10. Risk** – None.
 - 11. Privacy Impact** – None. The information to be made available via the Publication Scheme is information which would be disclosed in response to a request under the Freedom of Information (Scotland) Act 2002. This therefore would not include Personal Data as defined by the Data Protection Act 1998.
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List of Background Papers –

1. Model Publication Scheme 2015
2. Model Publication Scheme 2015 Guidance

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Appendix 1: Renfrewshire Integration Joint Board (IJB)

Publication Scheme

Introduction

The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:

- (i) publish the classes of information that they make routinely available
- (ii) tell the public how to access the information they publish and whether information is available free of charge or on payment.

Renfrewshire Integration Joint Board (IJB) has adopted the Model Publication Scheme 2015 produced by the Scottish Information Commissioner. The Commissioner has approved this scheme until 31 May 2019.

The Publication Scheme is split into the following six sections:

- availability and formats;
- exempt information;
- copyright and re-use;
- charges;
- contact details; and
- the classes of information

In instances where the IJB does not hold the information requested, we will work with applicants to ensure that they are directed to the correct authority.

Availability and formats

Information published through this scheme is, wherever possible, available on the authority's website. We offer alternative arrangements for people who do not wish to, or who cannot, access the information either online or by inspection at our premises. For example, we can usually arrange to send out information to you in paper copy on request (although there may be a charge for doing so).

Exempt information

If information described by the classes cannot be published and is exempt under Scotland's freedom of information laws (for example sensitive personal data or a trade secret), we may withhold the information or provide a redacted version for publication and will explain why we have done so.

Copyright and re-use

Where the IJB holds copyright in its published information, the information may be copied or reproduced without formal permission, provided that:

- it is copied or reproduced accurately;
- it is not used in a misleading context; and

- the source of the material is identified

Where the IJB does not hold the copyright in the information we publish, we will make this clear.

Access to the information does not mean that copyright has been waived, nor does it give the recipient the right to re-use the information for a commercial purpose. If you intend to re-use information obtained from the scheme, and you are unsure whether you have the right to do so, you are advised to make a request to the IJB (see Contact Details below).

Charges

Unless otherwise specified in the classes of information, all information published through this scheme is available free of charge where it can be downloaded from our website, or where it can be sent to you electronically by email.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority as set out below.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Photocopied information will be charged at a standard rate of 11p per A4 side of paper (black and white copy).

Postage costs will be charged at the rate paid to send the information to you.

This charging schedule does not apply to our commercial publications (see Class 8 below) where pricing may be based on market value.

Contact details

You can contact us for assistance with any aspect of this scheme, Guide to Information and to ask for copies of the authority's published information.

Renfrewshire Health and Social Care Partnership
Third Floor
Renfrewshire House
Cotton Street
Paisley
PA1 1AL

Our e-mail address is: Renfrewshire.HSCP@ggc.scot.nhs.uk

Telephone: 0141 618 7629

We will also provide reasonable advice and assistance to anyone who wants to request information which is not published.

Duration

Once published, the information will be available for at least the current and previous two financial years. Where information has been updated or superseded, only the current version might be available but previous versions may be requested from the authority.

The Classes of Information

Class 1: About the authority

Class description: Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations.

Background on health and social care integration and the IJB can be found here:
http://www.renfrewshire.gov.uk/webcontent/home/services/social+care+and+health/social_care_and_health_integration/sw-hsci-backgroundtointegration

If you have any enquiries about health and social care integration, please contact us at:

e-mail Renfrewshire.HSCP@ggc.scot.nhs.uk

By telephone: 0141 618 7629

Our postal address is:

Renfrewshire Health and Social Care Partnership
Third Floor
Renfrewshire House
Cotton Street
Paisley PA1 1AL

Our management structure can be found here:
http://www.renfrewshire.gov.uk/webcontent/home/services/social+care+and+health/social_care_and_health_integration/sw-hsci-hscpstructure

Class 2: How we deliver our functions and services

Class description: Information about our work, our strategies and policies for delivering functions and services and information for our service users

The Strategic Plan will set out what the IJB wants to achieve and detail how we will do it. It will set out the actions needed to improve health and social care services to meet changing local demands and will be firmly based on evidence and developed by engaging with local stakeholders, including staff, to ensure services are designed around the people who use them and their communities.

The Strategic Plan must be approved by the IJB before the council and health board are able to delegate functions. This must happen before 1 April 2016. When the strategic plan has been approved it will be published here:

http://www.renfrewshire.gov.uk/webcontent/home/services/social+care+and+health/social_care_and_health_integration/sw-hsci-hscpstructure

[e and health integration/sw-hsci-strategicplan](http://www.renfrewshire.gov.uk/webcontent/home/services/social+care+and+health/social_care_and_health_integration/sw-hsci-strategicplan)

The IJB's programme of work is published here:

http://www.renfrewshire.gov.uk/webcontent/home/services/social+care+and+health/social_care_and_health_integration/sw-hsci-workprogramme

What we want to achieve with integration is published here:

http://www.renfrewshire.gov.uk/webcontent/home/services/social+care+and+health/social_care_and_health_integration/sw-hsci-nationaloutcomes

Class 3: How we take decisions and what we have decided

Class description: Information about the decisions we take, how we make decisions and how we involve others

Our decisions, including the minutes and reports of the Board Meetings and sub-committees, will be published here:

<http://renfrewshire.cmis.uk.com/renfrewshire/JointBoardsandOtherForums/RenfrewshireHealthSocialCareIntegrati.aspx>

Class 4: What we spend and how we spend it

Class description: Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent)

Details of our spending will be place on our WebPages here:

<http://renfrewshire.cmis.uk.com/renfrewshire/JointBoardsandOtherForums/RenfrewshireHealthSocialCareIntegrati.aspx>

Class 5: How we manage our human, physical and information resources

Class description: Information about how we manage the human, physical and information resources of the authority.

The services commissioned by the IJB will be delivered by Renfrewshire Council and NHS Greater Glasgow and Clyde Board. Therefore the IJB does not contain any information within this class but information can be found through each organisation's respective publication scheme.

Renfrewshire Council Publication Scheme:

<http://www.renfrewshire.gov.uk/webcontent/home/services/council+and+government/data+protection+and+freedom+of+information/ce-publicationscheme>

NHS Greater Glasgow & Clyde Board Publication Scheme:

<http://www.nhsggc.org.uk/about-us/freedom-of-information-foi/publication-scheme-and-guide->

Class 6: How we procure goods and services from external providers

Class description: Information about how we procure goods and services and our contracts with external providers

The services commissioned by the IJB will be delivered by Renfrewshire Council and NHS Greater Glasgow and Clyde Board. Therefore the IJB does not contain any information within this class but information can be found through each organisation's respective publication scheme.

Renfrewshire Council Publication Scheme:

<http://www.renfrewshire.gov.uk/webcontent/home/services/council+and+government/data+protection+and+freedom+of+information/ce-publicationscheme>

NHS Greater Glasgow & Clyde Board Publication Scheme:

<http://www.nhsggc.org.uk/about-us/freedom-of-information-foi/publication-scheme-and-guide-to-information/>

Class 7: How we are performing

Class description: Information about how we perform as an organisation and how well we deliver our functions and services

The IJB publishes performance information through reports to Board, which can be found here:

<http://renfrewshire.cmis.uk.com/renfrewshire/JointBoardsandOtherForums/RenfrewshireHealthSocialCareIntegrati.aspx>

Class 8: Our commercial publications

Class description: Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

The IJB does not create information within this class.