ITEM No ...12......



REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD -

25 APRIL 2017

REPORT ON: MODEL PUBLICATION SCHEME

REPORT BY: CHIEF FINANCE OFFICER

REPORT NO: DIJB11-2017

1.0 PURPOSE OF REPORT

The purpose of this report is to provide Dundee Integration Joint Board with an overview of its responsibilities in relation to the Scottish Information Commissioner's statutory publication scheme and to seek agreement to adopt the scheme.

2.0 RECOMMENDATIONS

It is recommended that the Integration Joint Board (IJB):

- 2.1 Agrees to adopt the Scottish Information Commissioner's Model Publication Scheme (attached as Appendix 1) and instructs the Chief Finance Officer to submit the approved scheme by 28 April 2017.
- 2.2 Notes the Guide to Information (attached as Appendix 2), which will be published on the Health and Social Care Partnership website.

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

4.1 Background

- 4.1.1 Under Section 23 of the Freedom of Information (Scotland) Act 2002 (FOISA), Scottish Public Authorities have a duty to publish information by means of a Publication Scheme. This duty to publish is in addition to the obligation to respond to requests for information. The IJB is a Public Authority for the purposes of the legislation and therefore must comply with the Scottish Information Commissioner's statutory publication scheme.
- 4.1.2 The Scottish Information Commissioner has developed a Model Publication Scheme (MPS) to support authorities to meet their Publication Scheme duties (attached as Appendix 1). To date, all Scottish authorities have adopted the Commissioner's MPS. The Information Commissioner requires submission of the Dundee City Integration Joint Board approved Publication Scheme by 28 April 2017.

4.2 Adopting the Model Publication Scheme

- 4.2.1 Adopting the MPS commits the IJB to:
 - Adopt the MPS without amendment;
 - Secure approval from the Scottish Information Commissioner on its Publication Scheme;
 - Publish information (including any environmental information) that it holds and which falls within the classes of information;

- Publish information in accordance with Model Publication Scheme Principles;
- Produce a Guide to Information setting out the information that it published, how to access
 it, whether there is a charge for it and how to get help in terms of any access
 requirements.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Equality Impact Assessment and Risk Management. An EQIA is attached.

6.0 CONSULTATIONS

The Chief Officer and the Clerk were consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

None.

Dave Berry Chief Finance Officer DATE: 22 March 2017

Model Publication Scheme

Introduction

- 1. 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.
- 2. The Act also allows for the development of model publication schemes which can be adopted by more than one authority. **The Commissioner's Model Publication Scheme was approved on 29 March 2016.**
- 3. The Commissioner has issued a Guide for Scottish Public Authorities to accompany the model scheme. This is **essential reading** for authorities adopting the model scheme as it explains the requirements of the scheme in detail and provides lists of types of information the Commissioner expects authorities to publish.

Definition of "published" information

- 4. For the purposes of this Model Publication Scheme, to be "published", information must be:
- (i) already produced and prepared; and
- (ii) available to anyone to access easily without having to make a request for it.
- 5. Research and information services which involve the commissioning of new information are **not** "publications".

Adopting this model scheme

- 6. This model scheme can be adopted by any authority which is subject to the Freedom of Information (Scotland) Act 2002. For more information about which bodies this applies to, please visit http://www.itspublicknowledge.info/YourRights/Whocanlask.aspx
- 7. Adoption commits an authority to:
- (i) adopting the model scheme, and any updates to it, without amendment;
- (ii) publishing the information, including environmental information, that it holds and which falls within the classes of information below;
- (iii) ensuring that the way it publishes its information meets the Model Publication Scheme Principles;
- (iv) producing a Guide to Information which sets out the information the authority publishes through the model scheme, how to access it, whether there is a charge for it and how to get help to access information:
- (v) notifying the Scottish Information Commissioner that it has adopted the model scheme.

8. Where an authority fails to meet the above commitments, it cannot be considered to have adopted the Commissioner's model scheme and may be failing with the duty to adopt and maintain a publication scheme in line with section 23(1) of the Act.

Notifying the Commissioner

- 9. Authorities adopting the model publication scheme for the first time must notify the Commissioner that they have done so. Thereafter no further notification is required unless the Commissioner has revoked approval (because the authority is not complying with the scheme).
- 10. The Commissioner will regularly review the model scheme and will consult authorities before making any substantive changes. The Commissioner will notify authorities of any changes.
- 11. The Commissioner will continue to monitor the effectiveness of authorities' application of the model publication scheme. As required, she may contact individual authorities about practice issues, in line with her Enforcement Policy.

Model Publication Scheme Principles

Principle One: Availability and formats

- 12. Information published through this model scheme should, wherever possible, be made available on the authority's website.
- 13. There must be an alternative arrangement for people who do not wish to, or who cannot, access the information either online or by inspection at the authority's premises. An authority may e.g., arrange to send out information in paper copy on request (although there may be a charge for doing so).

Principle Two: Exempt information

14. If information described by the classes cannot be published and is exempt under Scotland's freedom of information laws e.g., sensitive personal data or a trade secret, the authority may withhold the information or provide a redacted version for publication, but it must explain why it has done so.

Principle Three: Copyright and re-use

- 15. The authority's Guide to Information must include a copyright statement which is consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988. Where the authority does not hold the copyright in information it publishes, this should be made clear.
- 16. Any conditions applied to the re-use of published information must be consistent with the Re-Use of Public Sector Information Regulations 2015.
- 17. The Commissioner recommends that authorities adopt the Open Government Licence and/or the non-commercial Government Licence, produced by The National Archives for their published information.

Principle Four: Charges

- 18. The Guide to Information must contain a charging schedule, explaining any charges and how they will be calculated.
- 19. No charge may be made to view information on the authority's website or at its premises, except where there is a fee set by other legislation e.g., for access to some registers.
- 20. The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying information. The charge must be no more than these elements actually cost the authority e.g. cost per photocopy or postage. There may be no further charges for information in Classes 1 7 below. An exception is made for commercial publications (see Class 8 below) where pricing may be based on market value.

Principle Five: Contact details

- 21. The authority must provide contact details for enquiries about any aspect of the adoption of the model scheme, the authority's Guide to Information and to ask for copies of the authority's published information.
- 22. The Act requires authorities to provide reasonable advice and assistance to anyone who wants to request information which is not published. The authority's Guide to Information must provide contact details to access this help.

Principle Six: Duration

23. Once published through the Guide to Information, the information should be available for the current and previous two financial years. Where information has been updated or superseded, only the current version need be available (previous versions may be requested from the authority).

The Classes of Information	Class	Description
1	About the authority	Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations
2	How we deliver our functions and services	Information about our work, our strategies and policies for delivering functions and services and information for our service users
3	How we take decisions and what we have decided	Information about the decisions we take, how we make decisions and how we involve others
4	What we spend and how we spend it	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)
5	How we manage our human, physical and information resources	Information about how we manage the human, physical and information resources of the authority.
6	How we procure goods and services from external providers	Information about how we procure goods and services and our contracts with external providers
7	How we are performing	Information about how we perform as an organisation and how well we deliver our functions and services
8	Our commercial publications	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.
9	Our open data	Open data made available by the authority as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.

Dundee Integration Joint Board Guide to Information Available	Through
the Model Publication Scheme 2017	

Developed in compliance with the Freedom of Information (Scotland) Act 2002

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Section 1: 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:

- publish the classes of information that the authority makes routinely available
- tell the public how to access the information and what it might cost

Dundee IJB has adopted the **Model Publication Scheme 2014** which has been produced and approved by the Scottish Information Commissioner. It is approved until 31 May 2018.

You can see this scheme on our website at https://www.dundeehscp.com/freedom-information It is also available on the Scottish Information Commissioner's website at www.itspublicknowledge.info/MPS

You can also contact us at the address below if you prefer a copy of the Model Publication Scheme 2014, or this Guide to Information, to be provided in a different format.

The purpose of this Guide to Information is to:

- allow you to see what information is available (and what is not available) for Dundee Integration Joint Board in relation to each class in the Model Publication Scheme 2014
- state what charges may be applied
- explain how you can find the information easily
- provide contact details for enquiries and to get help with access to the information
- explain how to request information we hold that has not been published.

Alongside the Act, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to the environmental information that we hold. This guide to information also contains details of the environmental information that we routinely make available

Section 2: About Dundee Integration Joint Board (IJB)

NHS Tayside and Dundee City Council agreed an Integration Scheme for Dundee which was approved by Scottish Ministers in September 2015. This then enabled the Order to come into force which established an Integration Joint Board (IJB) in October 2015. The Integration Scheme sets out the functions which are delegated by NHS Tayside and Dundee City Council to the IJB. The IJB is responsible for the planning, oversight and delivery of integrated functions.

The IJB operates as a body corporate (a separate legal entity), acting independently of NHS Tayside and Dundee City Council. The IJB consists of six voting members appointed in equal number by NHS Tayside and Dundee City Council, with a number of representative members who are drawn from the third sector, independent sector, staff, carers and service users. The IJB is advised by a number of professionals including the Chief Officer, Chief Finance Officer, Medical Director, Nurse Director and Chief Social Work Officer.

View the <u>Code of Conduct</u> for members of Dundee City Health and Social Care Integration Joint Board.

The key functions of the IJB are to:

- Prepare a Plan for integrated functions that is in accordance with national and local outcomes and integration principles
- Allocate the integrated budget in accordance with the Plan
- Oversee the delivery of services that are within the scope of the Partnership

Section 3: Accessing Information under the Scheme

Availability and formats

The information published through this Guide to Information is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our premises. For example, we can usually arrange to send information to you in paper copy (although there may be a charge for this – see "Section 5 – Our Charging Policy").

Information in our Guide to Information will normally be available through the routes described below. "Section 10 – Classes of Information" provides more details on the information available under the Guide, along with additional guidance on how the information falling within each "class" may be accessed.

Online:

Most information listed in our Guide to Information is available to download from our website. In many cases a link within Section 10: Classes of Information will direct you to the relevant page or document. If you are having trouble finding any document listed in our guide, then for further assistance please contact:

Clare Lewis-Robertson
Customer Care Governance Officer
Dundee Health and Social Care Partnership
Dundee House

Tel 01382 433722 E-mail clare.lewis-robertson@dundeecity.gov.uk

By email:

If the information you seek is listed in our Guide to Information but is not published on our website, we can send it to you by email, wherever possible.

When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

By phone:

All information in the guide will be available in hard copy form for example, paper copies. Hard copies of information can be requested from us over the telephone. Please call us to request information available under this scheme.

By post:

You can also request hard copies of any information in the Guide by post. Please address your request to:

Clare Lewis-Robertson
Customer Care Governance Officer
Dundee Health and Social Care Partnership
Dundee House
50 North Lindsay Street
Dundee, DD1 1NF

Tel 01382 433722 E-mail clare.lewis-robertson@dundeecity.gov.uk

When writing to us to request information, please include your name and address, full details of the information or documents you would like to receive, and any fee applicable (see Section 5: Our Charging Policy for further information on fees). Please also include a telephone number so we can telephone you to clarify any details, if necessary.

Personal visits:

If you prefer to visit us to inspect the information, in limited cases you may be required to make an appointment to view the information. In such cases, this will be set out within Section 10 – Classes of Information, and contact details will be provided within the relevant class.

Advice and assistance:

If you have any difficulty identifying the information you want to access, then please contact us to help you.

Exempt information

We will publish all the information we hold that falls within the classes of information in the Model Publication Scheme 2014. We publish this information in Section 10 of this guide. If a document contains information that is exempt under Scotland's freedom of information laws (for example personal information or commercial interests), we will remove or redact (black out) the information before publication and explain why.

Section 4: Information that we may withhold

All information covered by our Guide to Information can either be accessed through our website, or will be provided promptly following our receipt of your request.

Our aim in adopting the Commissioner's Model Publication Scheme 2014 and in maintaining this Guide to Information is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in "Section 10 – Classes of Information". Information will only be withheld, however, where the Act (or, in the case of environmental information, the EIRs) expressly permits it.

Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment.

Information may also be withheld if it is another person's personal information, and its release would breach the data protection legislation.

Whenever information is withheld we will inform you of this, and will set out why that information cannot be released. Even where information is withheld it will, in many cases, be possible to provide copies with the withheld information edited out. If you wish to complain about any information which has been withheld from you, please refer to "Section 7 – Contact details for enquiries, feedback and complaints".

Section 5 – Our Charging Policy

There is no charge to view information on our website, at our premises or where it can be sent to you electronically by email.

We may charge you for providing information to you, for example photocopying and postage, but we will only charge you what it actually costs us to do.

We will always tell you what the charge is and how it has been calculated before providing the information to you. We will not provide you with the information until payment has been received.

Photocopying charges are shown below

Size of paper/alternative format	Black and White per sheet	Colour per sheet
A4	10p	30p

Information provided on CD-Rom will be charged at £1.00 per computer disc and other hard copy larger than A4 will be charged actual cost of reproduction.

Postage costs may be recharged at the rate we paid to send the information to you. Our charge is for sending information by Royal Mail First Class.

When providing copies of pre-printed publications, we will charge you no more than the cost per copy of the total print run.

We do not pass on any other costs to you in relation to our published information.

This charging schedule does not apply to our commercial publications. These items are offered for sale through retail outlets such as book shops, academic journal websites or museum shops and their price reflects a 'market value' which may include the cost of production.

Section 6: Copyright

Dundee IJB holds the copyright for the vast majority of information in this Publication Scheme. All of this information can be copied or reproduced without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, is not used for profit, and provided that the source of the material is identified.

The publication scheme may however contain information where the copyright holder is not the IJB. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder.

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 to re-use the information.

Section 7: Contact details for enquiries, feedback and complaints

We welcome feedback on how we can develop this guide further. If you would like to comment on any aspect of this Guide to Information, then please contact us.

Our aim is to make our guide to information as user-friendly as possible, and we hope that you can access all the information we publish with ease. If you do wish to complain about any aspect of the Guide then please contact us and we will try and resolve your complaint as quickly as possible.

Any complaint will be acknowledged within two working days of receipt and we will respond in full within twenty working days.

You have legal rights to access information under the Model Publication Scheme 2014 (as described in this Guide to Information) and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response.

These rights apply only to information requests made in writing or another recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner's website has a guide to this three step process, and operates an enquiry service on Monday to Friday from 9:00am to 5:00pm.

The office can be contacted as follows:

Scottish Information Commissioner

Kinburn Castle Doubledykes Road St Andrews Fife KY16 9DS

Tel: 01334 464610

Email: enquiries@itspublicknowledge.info

Website: www.itspublicknowledge.info/YourRights

All enquiries, feedback and complaints relating to this Guide to Information, or any other aspect of Freedom of Information, Data Protection and the EIRs should be directed to:

Clare Lewis-Robertson
Customer Care Governance Officer
Dundee Health and Social Care Partnership
Dundee House

Tel 01382 433722 E-mail clare.lewis-robertson@dundeecity.gov.uk

Section 8: How to Access Information which is not available in the Guide to Information

If the information you are seeking is not available through the Model Publication Scheme 2014 (as described in this Guide) then you may wish to request it from us.

The Act provides you with a right of access to the information we hold, subject to certain exemptions. The EIRs separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold.

Again, these rights are subject to certain exceptions or exemptions. Should you wish to request a copy of any information that we hold that is not available under the Model Publication Scheme 2014 (and described in this Guide), please write to:

Clare Lewis-Robertson
Customer Care Governance Officer
Dundee Health and Social Care Partnership
Dundee House
50 North Lindsay Street
Dundee, DD1 1NF

Tel 01382 433722 E-mail clare.lewis-robertson@dundeecity.gov.uk

Charges for information which is not available under the scheme:

The charges for information which is available under Dundee IJB's Guide to Information are set out under "Section 5 – Our Charging Policy".

If you submit a request to us for information which is not available in this Guide the charges will be based on the following calculations:

General information requests:

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50 calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be

released. Charges may be made for locating, retrieving and providing information to you.

• In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges for environmental information:

Environmental information is provided under the EIRs rather than the Act. The rules for charging for environmental information are slightly different.

We do not charge for the time to determine whether we hold the environmental information requested, or deciding whether the information can be released. Charges may be made for locating, retrieving and providing information to you e.g. photocopying and postage. In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to Dundee IJB of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
- Postage is charged at actual rate for Royal Mail First Class.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

The first £100 worth of information will be provided to you without charge.

Where information costs between £100 and £600 to provide, you will be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.

Where it would cost more than £600 to provide the information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

Charge for request for your own personal data

The minimum cost is £10 rising to a maximum of £50 depending on the volume of information requested. Plus reproduction and postage costs (both on the same basis as for FOI requests).

Health Rights Information Scotland (HRIS) has produced a number of publications that give details of your rights in relation to NHS healthcare.

Section 9 - Classes of Information

CLASS 1: ABOUT DUNDEE IJB

Class Description:

Information about Dundee Integration Joint Board, who we are, where to find us, how to contact us, how we are managed and our external relations.

Our contact details are:

Roger Mennie Clerk and Standards Officer Dundee Integration Joint Board

Tel 01382 434202

E-mail roger.mennie@dundeecitycity.gov.uk

Information about how the Integration Joint Board is constituted and managed can be found on our website – www.dundeehscp.com

Please e-mail foi@dundeecity.gov.uk if you don't find what you are looking for or write to the Freedom of Information Team, Dundee City Council, 21 City Square, Dundee DD1 3BY

CLASS 2: HOW WE DELIVER OUR FUNCTIONS

Class Description:

Information about our work, our strategy and policies for delivering functions and services and information for our service users.

Information in this class can be found on our website www.dundeehscp.com, in particular the Publications section of the website.

Please e-mail foi@dundeecity.gov.uk if you don't find what you are looking for or write to the Freedom of Information Team, Dundee City Council, 21 City Square, Dundee DD1 3BY

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.

Information in this class can be found on our website www.dundeehscp.com, in particular the Publications section of the website.

Please e-mail foi@dundeecity.gov.uk if you don't find what you are looking for or write to the Freedom of Information Team, Dundee City Council, 21 City Square, Dundee DD1 3BY

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).

Information in this class can be found on our website www.dundeehscp.com

Please e-mail foi@dundeecity.gov.uk if you don't find what you are looking for or write to the Freedom of Information Team, Dundee City Council, 21 City Square, Dundee DD1 3BY

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.

Information in this class can be found on our website www.dundeehscp.com

Please e-mail foi@dundeecity.gov.uk if you don't find what you are looking for or write to the Freedom of Information Team, Dundee City Council, 21 City Square, Dundee DD1 3BY

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

Information in this class can be found on our website www.dundeehscp.com

Please e-mail foi@dundeecity.gov.uk if you don't find what you are looking for or write to the Freedom of Information Team, Dundee City Council, 21 City Square, Dundee DD1 3BY

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.

Information in this class can be found on our website www.dundeehscp.com

Please e-mail foi@dundeecity.gov.uk if you don't find what you are looking for or write to the Freedom of Information Team, Dundee City Council, 21 City Square, Dundee DD1 3BY

CLASS 8: COMMERCIAL PUBLICATIONS

Class Description:

Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet, for example bookshop, museum or research journal

We do not publish any information in this class.