

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 This policy applies specifically to recorded information held by the Integration Joint Board.
- 2.2 Requests for information held by our partners; East Renfrewshire Council and NHS Greater Glasgow and Clyde are subject to their own FOI policies.
- 2.3 The Health and Social Care Partnership (HSCP) will ensure compliance with the IJB Freedom of Information policy 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.
- 2.4 The Policy will be supported by more detailed guidance on our obligations under ***freedom of information legislation***. This guidance is produced by our partner organisations.

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 Governance and Compliance Officer** 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 our Publication Scheme. 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 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 Enquiries will be recorded and managed through East Renfrewshire Council's customer management system.

6 Appeals

- 6.1 If an applicant is unhappy with the outcome of a request for any reason they have the right to ask the IJB to review its response. The IJB will have a further 20 working days to reconsider the request. If, after the review, the requester is still unhappy, they can appeal to the Commissioner.
- 6.2 Requests for review should be made in writing to the IJB Chief Officer at East Renfrewshire Health and Care Centre, Drumby Crescent, Clarkston, G76 7HN or by email to hscp-foi@eastrenfrewshire.gov.uk

7. Communication and Training

- 7.1 All staff will have a general awareness of the IJB and our partner organisation's obligations under ***freedom of information legislation***. We will use on-line training packages to form part of the mandatory training for new members of staff. Specific training will be provided on demand to specific categories of staff or staff groups.
- 7.2 Guidance on processing requests, including the use of exemptions and fee notices will be available in the first instance from the HSCP FOI practitioner.

8. Review

- 8.1 This Policy will be reviewed every two years.