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Agenda Item: 15

## **Integration Joint Board**

Date of Meeting: 29 October 2020

Subject: Freedom of Information Policy and Publication Scheme.

### **1. Summary**

1.1. The Freedom of Information Policy and Publication Scheme have been refreshed and are attached, for consideration.

### **2. Purpose**

2.1. The Integration Joint Board is required to publish a Freedom of Information Policy and a Publication Scheme.

2.2. These documents are required to be refreshed periodically.

### **3. Recommendations**

The Integration Joint Board is invited to:

3.1. Review the attached documents and thereafter approve for publication.

### **4. Background**

4.1. The Freedom of Information (Scotland) Act 2002 (the Act) requires public bodies in Scotland to make information publicly available.

4.2. The Act aims to increase openness and accountability in government and across the public sector by making sure that people have the right to access information held by Scottish public authorities. This includes environmental information which is covered by the Environmental Information (Scotland) Regulations 2004 (known as the EIRs). Freedom of Information (FOI) and the EIRs, therefore, apply to all recorded information held by the IJB (with the exception of personal information).

4.3. The Integration Joint Board is a Scottish public authority for the purposes of FOI legislation and will therefore be required to respond to information requests accordingly.

4.4. If a FOI request is received, where the information is held by the IJB ‘on behalf of’ either NHS Orkney or the Council, then the request can be dealt with by either party under existing policy that Members are likely already familiar with. However, where the IJB holds information such as minutes of meetings, reports, plans and policies for example, FOI requests can be made directly to the IJB.

4.5. Guidance indicates that if a request is made in circumstances described at section 4.4 above, IJBs are expected to have their own FOI policy.

4.6. In addition, the Act requires all Scottish public authorities, which includes Integration Joint Boards, to produce and maintain a Guide to Information, also known as a Publication Scheme.

4.7. The Publication Scheme is intended to:

- Allow the public to see what information is available and what is not available in relation to each class.
- State what charges may be applied. (For most information, there is no charge).
- Explain how to find the information easily.
- Provide contact details for enquiries and to get help with access to the information.
- Explain how to request information that has not been published.

## 5. Contribution to quality

Please indicate which of the Orkney Community Plan 2019 to 2022 visions are supported in this report adding Yes or No to the relevant area(s):

<b>Resilience:</b> To support and promote our strong communities.	No.
<b>Enterprise:</b> To tackle crosscutting issues such as digital connectivity, transport, housing and fuel poverty.	No.
<b>Equality:</b> To encourage services to provide equal opportunities for everyone.	Yes.
<b>Fairness:</b> To make sure socio-economic and social factors are balanced.	Yes.
<b>Innovation:</b> To overcome issues more effectively through partnership working.	No.
<b>Leadership:</b> To involve partners such as community councils, community groups, voluntary groups and individuals in the process.	No.
<b>Sustainability:</b> To make sure economic and environmental factors are balanced.	No.

## 6. Resource implications and identified source of funding

6.1. There are no direct resource implications arising from this report, although a staff member(s) needs to be identified to deal with any FOI addressed directly to the IJB to ensure it is safely addressed within the statutory timescales. This will be allocated within existing staffing resources.

6.2. The IJB is also required to monitor FOI requests and respond to the Information Commissioner, when necessary, with statistical requests.

6.3. It is anticipated there will be very few FOI requests dealt with directly by the IJB, as most requests will normally relate to information held by either the Council or NHS Orkney. In such circumstances, the request will be dealt with via existing procedures. However, the IJB will still need to correspond with the person submitting the request to inform them of how their request will be addressed.

## 7. Risk and Equality Assessment

7.1. There is reputational risk to the IJB if policies and procedures are not in place, as required by regulatory guidance/statute and, ultimately, state intervention.

7.2. There is further reputational risk if there is a failure to properly comply with FOI requests. In serious cases the Information Commissioner can impose penalties on the IJB for failure to comply.

7.3. These risks can be mitigated by implementing an agreed policy, with associated procedures, to deal with FOI requests in line with statutory guidance and codes of practice.

7.4. An Equality Impact Assessment is attached at Appendix 3.

## 8. Direction Required

Please indicate if this report requires a direction to be passed to:

NHS Orkney.	No.
Orkney Islands Council.	No.
Both NHS Orkney and Orkney Islands Council.	No.

## 9. Escalation Required

Please indicate if this report requires escalated to:

NHS Orkney.	No.
Orkney Islands Council.	No.
Both NHS Orkney and Orkney Islands Council.	No.

## **10. Author**

10.1. Gillian Morrison (Interim Chief Officer), Integration Joint Board.

10.2. Shaun Hourston-Wells (Project Manager), Orkney Health and Care.

## **11. Contact details**

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## **12. Supporting documents**

12.1. Appendix 1 – Integration Joint Board Freedom of Information Policy, October 2020.

12.2. Appendix 2 – Integration Joint Board Publication Scheme, October 2020.

12.3. Appendix 3 – Equality Impact Assessment.



# **Integration Joint Board**

## **Freedom of Information Policy**

<b>Version.</b>	Freedom of Information Policy.
<b>Lead Manager.</b>	Gillian Morrison.
<b>Approved By.</b>	Integration Joint Board.
<b>Date Approved.</b>	October 2020.
<b>Date of Review.</b>	October 2022.

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## **Purpose of the Policy**

The Freedom of Information (Scotland) Act 2002 (usually known as FOISA or FOI) aims to increase openness and accountability in government and across the public sector by making sure that people have the right to access information held by Scottish public authorities. This includes environmental information which is covered by the Environmental Information (Scotland) Regulations 2004 (known as the EIRs). FOI and the EIRs therefore apply to all recorded information held by the Integration Joint Board for Orkney, with the exception of personal information.

The Integration Joint Board is a Scottish Public Authority for the purposes of FOI legislation.

This Policy provides advice and guidance to staff who are responsible for handling FOI requests, but is also aimed at members of the public who want to understand their rights and know what to expect, under the Integration Joint Board's policy.

In light of the Integration Joint Board having delegated responsibility for the delivery of a wide range of services within Adult and Children's Social Care and Health Services, a FOI request may be more appropriately dealt with through either NHS Orkney or Orkney Islands Council's FOI policies, unless it is a request concerned directly with information held by the Integration Joint Board.

The Act is overseen by the Scottish Information Commissioner, who has the power to issue enforcement notices and, if needs be, initiate court proceedings to ensure compliance.

Further advice and information can be found on the Scottish Information Commissioner's website at:

<http://www.itspublicknowledge.info>.

And you can read more about Scottish Law concerning Freedom of Information here:

<http://www.legislation.gov.uk/asp/2002/13/section/5>.

## **Our Commitment to Effective Governance**

The Integration Joint Board is committed to transparency and will favour disclosure of information whenever possible. This policy will demonstrate commitment to work within the spirit of FOISA and its related Regulations and Codes of Practice. This policy should be interpreted in conjunction with the Records Management, Information Sharing and Publication Scheme policies that together provide the framework for governing recorded information. The Integration Joint Board commits to:

- Ensure that, where appropriate, information will be published through its publication scheme and on its website.
- Handle all requests promptly and within the legal timeframe.
- Fairly apply the public interest test in cases where a qualified exemption applies.
- Make its members aware that it is an offence to prevent disclosure by altering, defacing, blocking, erasing, destroying or concealing any record.

- Where valid exemptions apply to a FOISA i.e. Data Protection, confidentiality, protection of commercial interests, stating the reasons why it has withheld all or part of the information.

## **Roles and Responsibilities**

Overall responsibility and accountability for compliance with information legislation lies with the Chief Officer of the Integration Joint Board, reporting to the Board Members. Board Members may also be involved in considering complex information requests.

Given the narrow breadth of information 'controlled' by the Integration Joint Board, (see publication scheme), it is likely, in many cases, that an initial FOI request may actually be more appropriately dealt with by either NHS Orkney or Orkney Islands Council as 'data controllers' under their own FOI Policies.

Where a FOI request is submitted to the Integration Joint Board but it becomes apparent it is in relation to information held by Orkney Islands Council or NHS Orkney, then the relevant policy and procedures for either would be enacted and the request dealt with by them under the relevant policy. The applicant would be informed of this in writing by the Chief Officer of the Integration Joint Board.

If the request is in relation to information held directly by the Integration Joint Board, for example minutes of meetings, then the Chief Officer would review the request with any relevant FOI service contacts.

## **Information Governance Officer**

The Information Governance Officer (IGO) within Orkney Islands Council reports directly to the Head of Legal Services. The IGO will provide expert advice, guidance, training and support on all areas of information governance to members of the Integration Joint Board in partnership with the FOI Officer representing NHS Orkney.

## **Chief Finance Officer**

The Chief Finance Officer for the Integration Joint Board has been nominated to oversee the independent review process, should the applicant be dissatisfied with the initial response provided by the Chief Officer.

## **All Staff**

Members of staff within Orkney Islands Council, NHS Orkney or other third party organisations who are asked to provide information in support of a FOI request should forward any relevant information they hold to the Chief Officer immediately, in order to assist with the compliance of the 20-day rule. If a member of staff is contacted by the Chief Officer but does not hold the information necessary, they must inform the Chief Officer immediately. Where a service contact does not respond to the Chief Officer within the set timeframe given, the relevant Executive Director/Head of Service/Manager will be copied into a reminder for the information requested.

It is a **criminal offence** to destroy information that is subject to an FOI request.

## Handling Requests for Recorded Information

Anyone can make a request for information held by the Integration Joint Board and, unless there are specific exemptions which apply to the information, this information should normally be provided **within 20-working days**. The 20-working day period starts when the Integration Joint Board first receives the request, not when it reaches the correct personnel.

A request for information must be made in a permanent format, for example in writing or via email or video recording. The request must include the applicant's name with an address or email address to which a response can be sent and should include a description of the information they are seeking.

It is not always the case that the applicant refers to FOISA within the terms of their request and they are not obliged to inform the Integration Joint Board why they want the information. They can also state a preference for how they wish the response to be sent.

It is up to the Chief Officer, on behalf of the Integration Joint Board, to determine if the request for information falls under FOISA legislation.

A request must be sent to:

**Chief Officer  
Orkney Health and Care  
School Place  
Kirkwall  
Orkney  
KW15 1NY**

Or by email to: [OHACfeedback@orkney.gov.uk](mailto:OHACfeedback@orkney.gov.uk).

An applicant will receive a written acknowledgement of their request (via email or post) detailing the deadline to which they should expect a response. A response should be issued as soon as possible and always **within the 20-working day rule**.

Where a request has been received but more information is required from the applicant to identify and locate the relevant information the Chief Officer should approach the applicant for clarification as soon as possible.

As per section 1(3) and 10(1)(b) of the Act the statutory 20 working days deadline will not start until sufficient clarification has been received from the applicant to allow the Chief Officer to identify and locate the requested information.

If no clarification is received from the applicant **within 60-working days**, the request shall be closed. See the Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (the Code) here for further information:

<https://www.gov.scot/publications/foi-eir-section-60-code-of-practice/>

Once a written response has been received by the applicant, if they are unhappy with the response, they have the right to challenge the information provided and ask the Chief Officer to review their response. **The Chief Finance Officer** is responsible for undertaking the review in liaison with relevant FOI Service Contacts and Caldecott Guardian where necessary (NHS Orkney), which will be followed by a second and independent response being sent to the applicant.

If after further correspondence, the applicant continues to be dissatisfied, they then have the right to appeal to the Scottish Information Commissioner who will decide if further investigation is necessary. The website address for the Scottish Information Commissioner can be found in the earlier section of this document.

## What isn't a FOI request?

- Telephone requests are not subject to FOISA.
- A request for a service, such as for care at home services or frozen meal delivery, is not dealt with under FOISA. Instead these requests will be passed to the relevant service area, either within NHS Orkney or Orkney Islands Council to be dealt with through normal operations.
- Requests for personal information either about themselves or about another individual (and they can prove they are acting as that person's representative) should be handled under Subject Access Request legislation (**Data Protection Act 2018**). Subject Access Requests would fall within the policies of either Orkney Islands Council or NHS Orkney, as the **Integration Joint Board will not hold personal data**.
- **The Access to Health Records Act 1990** grants rights to certain individuals to see what has been written about a deceased person in a hospital and other health records. Access is available to the deceased patient's personal representative or to any person having a claim arising out of a patient's death.

## Responding to a FOI Request – 20 Days

As already noted, the statutory timescale for responding to a FOI request is 20 working days. Working days are defined as Monday to Friday, 09:00 to 17:00, excluding bank holidays and weekends. All FOI requests will be responded to within the statutory period, regardless of staff absence or working patterns.

The 20-day period commences when the request is first received and must be date stamped by the receiving Integration Joint Board. The FOI Request will be recorded in order to support formal reporting to the Information Commissioner. Suitable arrangements will be made to respond to FOI requests in the absence of the Chief Officer and relevant mailboxes monitored on a daily basis. The 20-day period is 'stopped' when:

- The information is sent to the applicant.
- A fees Notification/refusal notice is issued.
- Further clarification is required from the applicant to inform the response.

## Publication Scheme

FOISA requires all public authorities to produce and maintain a publication scheme. A publication scheme sets out the following:

- The classes of information already available to the public.
- Details of how the information can be obtained.
- Its location.
- Whether there is a charge for providing the information.

The Publication Scheme for the Integration Joint Board can be found here:  
<https://www.orkney.gov.uk/Service-Directory/S/integration-joint-board.htm>.

## Charges

The Integration Joint Board may charge an appropriate fee for dealing with a specific request. This charge will be calculated in accordance with the statutory ‘fees regulations’.

The Integration Joint Board can charge direct and indirect costs incurred in locating, retrieving and providing information.

Charging for time spent determining whether the information is held cannot be charged for, **nor can a charge be levied for providing information in a particular format.**

If costs exceed £600, the Integration Joint Board does not have to comply (section 12 of the Act) with the request.

- Staff time can be charged for up to a maximum of £15 per hour. The fees regulations limit the chargeable amounts as follows:
- Up to £100 - no charge can be made.
- £100 to £600 – first £100 deducted, the Integration Joint Board, Orkney can charge 10% of this cost.
- Over £600 - no obligation to provide information.

The cost for responding to a request should be calculated before the request is answered and within the 20-working day deadline. **A fee notice will be issued and the applicant’s request only needs to be answered on payment of the fee.** The payment must be received within 3 months.

Where a fee notice is issued or as per the information below, a refusal notice is issued, the Integration Joint Board will advise applicants on how to narrow their request for information, thus lowering the cost of responding.

## Exemptions and refusal to respond

The Integration Joint Board does not have to comply with information requests if the information is exempt under the provisions made in Sections 25 to 41 of the Act.

Exemptions will be applied on a case by case basis rather than applying on a blanket basis, (see Appendix 1 for a full listing of exemptions).

Exemptions may be applied to an entire request or part of a request. The Chief Officer or their deputy shall apply exemptions to responses as applicable. If necessary, the application of exemptions will be discussed with the Chief Finance Officer or the Information Governance Officer. There are two types of exemptions and these are outlined below.

## **Non - Absolute Exemptions**

The 'public interest' test applies to determine if the public interest in disclosing the information outweighs the public interest in maintaining confidentiality. This includes commercial interests and personal information of third parties.

## **Absolute Exemptions**

If an absolute exemption applies the Integration Joint Board will not release the information. Absolute exemptions include confidential material and information published elsewhere amongst others. The 'public interest' test does not need to be considered.

The Integration Joint Board will favour disclosure wherever possible. If applying an exemption, it will inform the applicant and provide information on why the request has been refused.

If a request or part of a request is subject to an exemption, and is therefore being refused, the response will include a **refusal notice**. The refusal notice will include notice that the Integration Joint Board does or does not hold the required information, details of the exemption being claimed, including the appropriate section of the Act and an explanation of why the exemption applies. The notice will also include information about how to request a review or make an appeal to the Scottish Information Commissioner.

The Integration Joint Board is not obliged to comply with a request deemed to be vexatious or repeated (section 14 of the Act). The request log can be used to identify repeated or vexatious requests.

When applying the 'public interest' test, the Integration Joint Board will explain the reason(s) for claiming the public interest if applying the exemption outweighs the public interest in disclosure.

## **How the Integration Joint Board will respond**

The Equality Act 2010 places a duty on public authorities to be sensitive to the requirements of applicants. For example, where reasonable, information should be provided in a format requested such as in large print, Braille, audio or recording or other languages.

A standard template will be used to provide the response from the Chief Officer of the Integration Joint Board.

Where information is being used in the response that concerns either, Orkney Islands Council, NHS Orkney or both, the Chief Officer will first seek approval from both bodies prior to issuing the response from the Integration Joint Board in partnership with the relevant FOI Service Contacts and will issue a copy of the response to the relevant body.

## **Requesting a Review**

If the applicant is dissatisfied with the way a request has been dealt with or is unhappy with the decision, they may request a review to be undertaken under FOISA.

The request for a review must also be in writing or in a permanent form, for example, email. The request for a review must be made no later than **40-working days** following receipt of the response to the original request.

The applicant must explain what issue they are dissatisfied with, for example:

- The application of exemptions.
- The handling of the request.
- The fact that no response was received to the original request within the prescribed deadline of 20 working days.

The request should state the name of the applicant and an address (which can be an email address).

The Integration Joint Board does not have to conduct a review if the review request or the original request is deemed to be vexatious. However, it will explain this to the applicant and include information on their rights of appeal to the Scottish Information Commissioner.

The Integration Joint Board has **20-working days** within which to conduct and respond to the request for a review, from the date it was first received. The Chief Finance Officer of the Integration Joint Board will contact the applicant acknowledging their request for a review.

The Chief Finance Officer may work with the Chair of the Integration Joint Board and consult with any staff involved in the original request. If required, the Chief Finance Officer will obtain advice from the Information Governance Officer.

The review process will be:

- Fair and impartial.
- Able to reach a different decision if appropriate.
- Straightforward and capable of reaching an outcome promptly.
- As per paragraph 66 of the Scottish Ministers Code of Practice, handled by staff who were not involved in the original decision, where this is reasonably practicable.

The applicant can expect the following outcomes following a review:

- Confirmation of the original decision.
- The release of all or part of the information initially withheld.
- A finding that the Integration Joint Board did not follow the correct procedures for dealing with the request for information.

The Scottish Ministers' Code of Practice, under Section 60, provides valuable guidance and advice on dealing with review requests.

Following receipt of the outcome, applicants who continue to be dissatisfied with the Integration Joint Board's decision, or the way in which their request was handled, can appeal to the Scottish Information Commissioner. Applicants can **appeal within six months** from the date on which they received a response to their request for a review.

Requests for an independent review should be made in writing to the Scottish Information Commissioner.

Details on how to contact the Commissioner or submit an appeal are available here: <https://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx>.

## **Records Management and Monitoring**

The Integration Joint Board will maintain a register of all requests made for information under the Act. Details of the applicant, important dates, staff involved and exemptions applied will be collected, along with other useful details.

A log shall also be kept of all review requests and appeals. Details of important dates, deadlines and staff involvement will be collected.

Monitoring reports will be submitted to the Integration Joint Board's Audit Committee periodically, and at least annually, to ensure compliance with the FOISA legislation and to address any areas for improvement.

The Chief Officer will make arrangements to ensure that the requirement to submit quarterly statistics to the Scottish Information Commissioner is fulfilled.

Records created under FOISA are retained in accordance with relevant Records Retention and Disposal Schedule. After the end of the relevant retention period, the records are destroyed by shredding.

## **Contact Us.**

For further advice or guidance on this document please contact:

**Orkney Health and Care**  
**School Place**  
**Kirkwall**  
**Orkney**  
**KW15 1NY**

Or by email to: [foi@orkney.gov.uk](mailto:foi@orkney.gov.uk).

Telephone: 01856873535.

## Appendix 1 – Summary of FOISA Exemptions

Exemption	Absolute	Public Interest	Substantial Prejudice	Section of FOISA
Information otherwise accessible.	Yes.			25.
Prohibition on disclosure by other legislation.	Yes.			26.
Confidential information obtained from a third person.	Yes.			36(2).
Court Records.	Yes.			37.
Access to personal data about themselves.	Yes.			38.
Information intended for future publication (within 12 weeks).		Yes.		27.
Relations within the United Kingdom.		Yes.	Yes.	28.
Formulation of Scottish administrative policy.		Yes.		29.
Prejudice to the effect conduct of public affairs.		Yes.	Yes.	30.
National security and defence.		Yes.		31.
International relations.		Yes.	Yes.	32.
Commercial interest and the economy.		Yes.	Yes.	33.
Investigations by Scottish public authorities.		Yes.		34.
Law enforcement.		Yes.	Yes.	35.
Confidentiality of communication in legal proceedings (legal privilege).		Yes.		36(1).
Personal information about a third party.		Yes.		38.
Health, safety and the environment.		Yes.		39.
Audit functions.		Yes.	Yes.	40.
Communications with the Royal household and the granting of honours.		Yes.		41.



# Integration Joint Board

## Publication Scheme

<b>Version.</b>	Publication Scheme.
<b>Lead Manager.</b>	Gillian Morrison.
<b>Approved By.</b>	Integration Joint Board.
<b>Date Approved.</b>	October 2020.
<b>Date of Review.</b>	October 2022.

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## **Introduction**

Individuals can make a request to the Integration Joint Board to provide any information that it holds and, if it is both legal to do so and practical to do so, this will be shared. In addition, the Freedom of Information (Scotland) Act 2002 (the Act) requires all Scottish public authorities, which includes Integration Joint Boards, to produce and maintain a Guide to Information, also known as a Publication Scheme.

## **Guide to Information**

The purpose of this guide to information is to:

- Allow the public to see what information is available and what is not available in relation to each class.
- State what charges may be applied. (For most information, there is no charge).
- Explain how to find the information easily.
- Provide contact details for enquiries and to get help with access to the information.
- Explain how to request information that has not been published.

The Guidance is split into the following six sections:

- Availability and formats.
- Exempt information.
- Copyright.
- Charges.
- Contact details.
- The classes of information that we publish.

## **Availability and formats**

Much of the information is available on the Integration Joint Board (IJB) webpages, which can be found on the Orkney Islands Council and NHS Orkney websites. The addresses for these pages are given at the end of this document. The Board offer alternative arrangements for people who do not wish to, or who cannot, access the information either online or by inspection at the Board's premises. For example, the Board can usually arrange to send out information in paper copy (although there may be a charge for this).

## **Exempt information**

The Board will publish the information held that falls within the classes of information below. If a document contains information that is exempt under Scotland's Freedom of Information laws (for example sensitive personal data or a trade secret), the Board will remove or redact the information before publication and explain why.

## Copyright

Where the Board holds the 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.
- The source of the material is identified.

Where the Integration Joint Board does not hold the copyright in information that is published, this will be made clear.

## Charges

For photocopying, there will be a charge at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Information provided on CD-Rom will be charged at £1.00 per computer disc.

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

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

The Board does not pass any other costs on to you in relation to information that is published.

### Charges for Information Not Published Under the Publication Scheme

There will be no charge for information requests which cost the Board £100 or less to produce.

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

The Board is not obliged to respond to requests for non-environmental information which will cost over £600 to process.

Where environmental information costs over £600 to provide to you, there may be an additional charge to cover the full amount. For example, if you were to ask for information that costs £800 to provide, you may be asked to pay £250. This fee would be calculated on the basis of a waiver for the first £100 costs of providing the information, 10% of the next £500 costs, and full cost recovery for cost over £600 (in this example, £200).

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.

The Board does not charge for the time to determine whether the information requested is held, 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 the Board decide to impose a charge, you will be notified 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.

## **Contact details and how to request information not included in this guide**

You can contact the Board for assistance with any aspect of this information guide and if you want to ask the Board for information that is not included in the guide:

Freedom of Information  
Integration Joint Board  
Orkney Health and Care  
School Place  
Kirkwall  
Orkney  
KW15 1NY

Telephone: 01856873535.

Email: [foi@orkney.gov.uk](mailto:foi@orkney.gov.uk).

The Board will also advise you how to ask for information that the Board does not publish, or how to complain if you are dissatisfied with any aspect of the Publication Scheme. If you wish to make a request for information not contained in the Publication Scheme, please contact [foi@orkney.gov.uk](mailto:foi@orkney.gov.uk).

## **The Classes of Information**

The Board publish information that is held within the following classes. Once information is published under a class, the Board will continue to make it available for the current and previous two financial years.

Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, you may make a request to us for that information.

The classes are:

- Class 1: About the Board.
- Class 2: How functions and services are delivered.
- Class 3: How the Board takes decisions and what it has decided.
- Class 4: What the Board spends and how it spends it.
- Class 5: How the Board manages its human, physical and information services.
- Class 6: How the Board procures goods and services from external providers.
- Class 7: How the Board is performing.
- Class 8: The Board's commercial publications - we do not hold or publish any information under this class.

## The Classes of Information – The Integration Joint Board

	Class.	Description.
1.	About the IJB.	
1.1.	Who the Board are.	The background as to how and why the Board was established can be found here: <a href="http://www.orkney.gov.uk/Service-Directory/S/health-and-social-care-integration.htm">http://www.orkney.gov.uk/Service-Directory/S/health-and-social-care-integration.htm</a> .
1.2.	Where and how to contact the Board.	If you would like more information about health and social care Integration, or you would like to share your thoughts with us, then please contact us at: By email: <a href="mailto:ohacfeedback@orkney.gov.uk">ohacfeedback@orkney.gov.uk</a> . By telephone: 01856 873535. Address: Orkney Health and Care, School Place, Kirkwall, Orkney, KW15 1NY.
1.3.	How the Board are managed and the Board's external relations.	The Board became legally responsible for the effective planning and delivery of a large range of services within health and social care, in April 2016. The membership of the Board is largely prescribed by the Scottish Government in terms of numbers and the organisations that they represent. The following are the six voting members that make up the Integration Joint Board: Chair of the IJB, Councillor Rachael King. Vice-Chair of the IJB, David Drever. Issy Grieve. David Campbell. Councillor Steve Sankey. Councillor John Richards. Additional non-voting members are appointed and can be found here: <a href="http://www.orkney.gov.uk/Service-Directory/S/integration-joint-board.htm">http://www.orkney.gov.uk/Service-Directory/S/integration-joint-board.htm</a> .
2.	How the Board deliver their functions and services.	How the IJB operates is set out in the Integration Scheme. The Integration Scheme has been submitted and approved by Scottish Government and can be found here: <a href="https://www.orkney.gov.uk/Service-Directory/S/useful-documents-and-plans.htm">https://www.orkney.gov.uk/Service-Directory/S/useful-documents-and-plans.htm</a>
2.1.	The Board's strategies and policies.	The 2019-2022 Strategic Plan can be found here: <a href="http://www.orkney.gov.uk/Service-Directory/S/ohac-strategic-commissioning-plan.htm">http://www.orkney.gov.uk/Service-Directory/S/ohac-strategic-commissioning-plan.htm</a>
2.2.	Information for service users.	Information can be found on services here: <a href="http://www.orkney.gov.uk/Service-Directory/S/orkney-health-and-care.htm">http://www.orkney.gov.uk/Service-Directory/S/orkney-health-and-care.htm</a>

	Class.	Description.
3.	How the Board take decisions and what has been decided.	<p>The process for decision making is set out in the Integration Scheme, as above.</p> <p>The Board's decisions, including the minutes of the Board Meetings and sub-committees, will be published on the following web pages:  <a href="https://www.orkney.gov.uk/Council/C/ijb-minutes-agendas-and-papers.htm">https://www.orkney.gov.uk/Council/C/ijb-minutes-agendas-and-papers.htm</a>.</p>
4.	What the Board spend and how the Board spend it.	<p>Details of the Board's spending are regularly reported to the Board and these reports can be viewed as part of the Board papers on the following webpages:  <a href="https://www.orkney.gov.uk/Service-Directory/S/health-and-social-care-integration.htm">https://www.orkney.gov.uk/Service-Directory/S/health-and-social-care-integration.htm</a></p>
5.	How the Board manage human, physical and information resources.	
5.1.	The Board's human resources.	<p>The staff who provide the services will be employed by either Orkney Islands Council or NHS Orkney. The Integration Joint Board has no employees, although the Chief Officer and Chief Finance Officer are seconded to provide service and support to the IJB.</p>
5.2.	The Board's information resources.	<p>The services commissioned by the IJB will be delivered by the Council and Health Board. The Council has policies and procedures for Records Management, Data Protection and Freedom of Information. Freedom of Information requests for services delivered by the Council specifically for the IJB can be sent via the Council using the contact details on the Council website.</p> <p>Details of the Council's Records Management, Data Protection and Freedom of Information policies are available in the Council's Publication Scheme available here:  <a href="https://www.orkney.gov.uk/Council/P/Guide_to_Information_publication_scheme.htm">https://www.orkney.gov.uk/Council/P/Guide_to_Information_publication_scheme.htm</a></p> <p>Details of the Board's Records Management, Data Protection and Freedom of Information policies are available in the Board's Publication Scheme available here:  <a href="https://www.ohb.scot.nhs.uk/about-us/freedom-information">https://www.ohb.scot.nhs.uk/about-us/freedom-information</a></p>
5.3.	The Board's physical resources.	<p>The physical resources used by those providing the services which are commissioned will be owned directly by the Council and the Health Board, who follow their own procedures.</p> <p><a href="https://www.orkney.gov.uk/Council/P/Guide_to_Information_publication_scheme.htm">https://www.orkney.gov.uk/Council/P/Guide_to_Information_publication_scheme.htm</a>  <a href="https://www.ohb.scot.nhs.uk/about-us/freedom-information">https://www.ohb.scot.nhs.uk/about-us/freedom-information</a></p>

	Class.	Description.
6.	How the Board procure goods and services from external providers.	<p>The IJB will follow the Council or Health Board's procedures for procurement and tendering, as appropriate to the nature of the procured service.</p> <p>Council Procurement Policy:  <a href="https://www.orkney.gov.uk/Service-Directory/P/Procurement.htm">https://www.orkney.gov.uk/Service-Directory/P/Procurement.htm</a></p> <p>NHS Orkney Procurement Policy:  <a href="https://www.ohb.scot.nhs.uk/sites/default/files/NHS%20Orkney%20Procurement%20Strategy%202020-2025%2023%2012%202019%20Final.pdf">https://www.ohb.scot.nhs.uk/sites/default/files/NHS%20Orkney%20Procurement%20Strategy%202020-2025%2023%2012%202019%20Final.pdf</a>.</p>
7.	How the Board are performing.	<p>Details of performance are reported to the Board regularly and once a year an Annual Report is published. All Performance Reports can be found here:  <a href="https://www.orkney.gov.uk/Service-Directory/S/annual-ijb-performance-report.htm">https://www.orkney.gov.uk/Service-Directory/S/annual-ijb-performance-report.htm</a></p>
8.	The Board commercial publications.	The IJB does not have any published commercial publications.
9.	Plan to Publish Open Data	The IJB does not produce any data. Any data that it processes is created by the Council or NHS Orkney. Details of the Council and NHS Orkney Publication Schemes are given above.



## Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of the Integration Joint Board (Orkney Health and Care) by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Freedom of Information Policy and Publication Scheme.
Service / service area responsible.	Orkney Health and Care – all services.
Name of person carrying out the assessment and contact details.	Shaun Hourston-Wells, telephone: 01856873535 extension 2414.
Date of assessment.	12 October 2020.
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	<p>The Freedom of Information (Scotland) Act 2002 requires public bodies to make information publicly available.</p> <p>Guidance associated with the Act indicates that public bodies should maintain a Freedom of Information Policy, along with the associated Publication Scheme.</p> <p>This is the second iteration of both documents.</p>

<b>2. Initial Screening</b>	
What are the intended outcomes of the function / policy / plan?	The Freedom of Information Policy and associated Publication Scheme articulates the health and social care partnership's commitments and procedures that support any Freedom of Information Request, as well as informing information the public as to what information may be held by the partnership.
State who is, or may be affected by this function /	Any member of the public.

policy / plan, and how.	
Is the function / policy / plan strategically important?	No.
How have stakeholders been involved in the development of this function / policy / plan?	Both the Freedom of Information Policy and the associated Publication Scheme are intended to provide information to public and, as such, consultation and engagement with the public during the updating of these documents was not appropriate. However, should subsequent enquiries reveal that any aspect of the published documents is unclear, changes to the documents will be considered.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).	No.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See <a href="#">The Fairer Scotland Duty Interim Guidance for Public Bodies</a> for further information.	No.
Could the function / policy have a differential impact on any of the following equality strands?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	No.
2. Sex: a man or a woman.	No.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	No.

4. Gender Reassignment: the process of transitioning from one gender to another.	No.
5. Pregnancy and maternity.	No.
6. Age: people of different ages.	No.
7. Religion or beliefs or none (atheists).	No.
8. Caring responsibilities.	No.
9. Care experienced.	No.
10. Marriage and Civil Partnerships.	No.
11. Disability: people with disabilities (whether registered or not).	No.
12. Socio-economic disadvantage.	No.
13. Isles-Proofing	No.

### **3. Impact Assessment**

Does the analysis above identify any differential impacts which need to be addressed?	No.
How could you minimise or remove any potential negative impacts?	No negative differential impacts have been identified.
Do you have enough information to make a judgement? If no, what information do you require?	No.

### **4. Conclusions and Planned Action**

Is further work required?	No.
What action is to be taken?	Not applicable.
Who will undertake it?	Not applicable.
When will it be done?	Not applicable.
How will it be monitored? (e.g. through service plans).	Not applicable.

Signature:



Date: 23 October 2020.

Name: Shaun Hourston-Wells.