

Council 15 May 2014

FOI publication scheme: definition document 2014

Executive summary and recommendations

### **Introduction**

The Information Commissioner's Office (ICO) is the regulator responsible for freedom of information and data protection in England, Wales and Northern Ireland. The Freedom of Information Act 2000 (FOIA) requires every public authority to have a publication scheme, approved by the ICO, and to publish information covered by the scheme.

The ICO are currently updating all definition documents under the FOIA publication scheme. The Council discussed the proposed changes to the document at its last meeting on 27 March 2014.

The ICO have now published the revised definition document. This document is attached to this report as appendix 1. The previous document is also attached as appendix 2 to enable comparison.

The definition document was published on 30 April 2014. Compliance is required within 6 months of this date. The Executive are currently reviewing the work that is required to comply with the new definition document.

### **Decision**

This paper is to note, no decision is required.

### **Background information**

HCPC Council paper 'FOI publication scheme: definition document' 27 March 2014, HCPC57/14.

### **Resource implications**

The resource implications of the revised document are yet to be fully scoped, and are not currently accounted for within the 2014-15 budget. However, it is anticipated any changes will be carried out within current resource.

### **Financial implications**

Not currently accounted for within the 2014-15 budgets.

## **Appendices**

Appendix 1 - Definition document for health regulators (30 April 2014)

Appendix 1 - Definition document for health regulators (12 December 2008)

## **Date of paper**

1 May 2014

## Freedom of Information Act 2000

### Definition document for health regulators

This guidance gives examples of the kinds of information that we would expect health regulators to provide in order to meet their commitments under the model publication scheme.

We would expect health regulators to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website to which the authority has already provided it – the authority must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give a definitive list. The legal commitment is to the model publication scheme, and authorities should look to provide as much information as possible on a routine basis.

#### **Publishing datasets for re-use**

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the

Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance](#) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

### **Who we are and what we do**

Organisational information, structures, locations and contacts.

- The locations and contact details for the authority and where possible, named contacts.
- Organisational charts, roles and responsibilities, job specifications and responsibilities.
- Information relating to the legislation relevant to the authority's functions.
- Lists of and information relating to organisations which the authority has responsibility for and those it works in partnership with.
- Recruitment information, criteria, process, vacancies.
- Identification of, responsibilities of and biographical details of senior staff and council / board members. This should identify staff making strategic and operational decisions about the provision of the health regulator's services. Any biographical details that are not work-related should be published only with consent.

### **What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

- **Financial statements.**

Annual and, where practicable, shorter timescales should be used ie half yearly or quarterly.

Details of items of expenditure over £25,000, including costs, supplier and transaction information. This should be published at least annually and, where practical, we would also expect it to be published on a half yearly or quarterly basis.

- **Senior staff's and council/board members' allowances and expenses**

Details of the allowances or expenses that can be incurred or claimed. It should include the total of the allowances and expenses incurred by or paid to individual senior staff and board or council members by reference to categories. The definition of "senior staff" is given below. These categories should be produced in line with the authority's policies, practices and procedures and will be under headings like travel, subsistence, accommodation and entertainment.

- **Pay and grading structures**

This may be provided as part of organisational structure and should include, as a minimum, the salaries for senior staff, which, for the purpose of this document, means members of the organisation's senior management team including the Chief Executive and Directors. The salaries should be stated in bands of £5,000. For more junior posts, levels of pay should be identified by salary range.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.

- **Financial statements for projects and events.**

- **List of contracts awarded and their value**

We would normally expect the authority to publish details only of contracts that exceed £25,000.

### **What our priorities are and how we are doing**

Strategies and plans, performance indicators, and reviews.

<ul style="list-style-type: none"><li>• <b>Corporate plans.</b></li><li>• <b>Business plan.</b></li><li>• <b>Organisational and departmental performance reviews.</b></li><li>• <b>Service standards.</b></li><li>• <b>Progress reports and statistics on an annual basis, but where practicable on a shorter timescale ie quarterly.</b></li></ul>
<p><b>How we make decisions</b> Decision making processes and records of decisions.</p>
<ul style="list-style-type: none"><li>• <b>Major policy proposals and decisions.</b></li><li>• <b>Public consultations.</b></li><li>• <b>Minutes of meetings, including senior level meetings.</b></li><li>• <b>Reports and papers provided for consideration at meetings.</b></li></ul>
<p><b>Our policies and procedures</b> Current written protocols, policies and procedures for delivering our services and responsibilities.</p>
<ul style="list-style-type: none"><li>• <b>Human resource policies including equality and diversity, equality scheme where applicable, recruitment etc.</b></li><li>• <b>Procurement and tendering procedures.</b></li><li>• <b>Internal guidelines, instructions and manuals.</b></li><li>• <b>Customer service.</b></li></ul> <p>Standards for the provision of services to the authority's customers, including the complaints procedure. It will include the handling of requests for information and operating the publication scheme.</p>

- **Charging regimes**

These policies should include charges made for information routinely published and clearly state what costs are to be recovered and why.

If the public authority charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

- **Records management, fileplans and personal data policies.**

### **Lists and registers**

Any information we are currently legally required to hold in publicly available registers.

- **Register of Practitioners.**
- **List of approved courses.**
- **Register of gifts and hospitality provided to board members and senior staff.**
- **Any register of interests.**
- **Disclosure logs** (these are recommended as good practice).
- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the authority. The authority should decide on the level of detail which is appropriate. This could be by building or more general geographic locations, such as postcodes or partial postcodes, depending on the security issues raised.

### **The services we offer**

Information about the services we offer, leaflets and guidance produced for the public and businesses. Details of the services for which we are entitled to recover a fee, together with those fees.

- **Advice and guidance.**
- **Media releases.**
- **Leaflets and booklets.**
- **Standards.**
- **Reports and research.**
- **Professional codes / standards of conduct.**
- **CPD guidance.**





## Freedom of Information Act

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- Identification of, responsibilities of and biographical details of senior staff and council / board members. This should identify staff making strategic and operational decisions about the provision of the health regulator's services. Any biographical details that are not work related should be published only with consent.

<p><b>What we spend and how we spend it</b> Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.</p>
<ul style="list-style-type: none"> <li>• Financial statements. Annual and where practicable shorter timescales should be used ie half yearly or quarterly.</li> <li>• Staff allowances and expenses (claimed or incurred) produced in line with the authority's policies.</li> <li>• Workforce pay and grading details salaries should be shown by band</li> <li>• Financial statements for projects and events.</li> <li>• List of contracts awarded and their value (contracts that are of a significant size to have gone through a formal tendering process).</li> </ul>
<p><b>What are our priorities and how are we doing</b> Strategies and plans, performance indicators, and reviews.</p>
<ul style="list-style-type: none"> <li>• Corporate plans.</li> <li>• Business plan.</li> <li>• Organisational and departmental performance reviews.</li> <li>• Service standards.</li> <li>• Progress reports and statistics on an annual basis but where practicable on a shorter timescales ie quarterly.</li> </ul>
<p><b>How we make decisions</b> Decision making processes and records of decisions.</p>
<ul style="list-style-type: none"> <li>• Major policy proposals and decisions.</li> <li>• Public consultations.</li> <li>• Minutes of meetings, including senior level meetings.</li> <li>• Reports and papers provided for consideration at meetings.</li> </ul>
<p><b>Our policies and procedures</b> Current written protocols, policies and procedures for delivering our services and responsibilities.</p>
<ul style="list-style-type: none"> <li>• Human resource policies including equality and diversity, recruitment etc.</li> <li>• Procurement and tendering procedures.</li> <li>• Internal guidelines, instructions and manuals.</li> <li>• Customer service.</li> <li>• Charging regimes these policies should include charges made for information routinely published and clearly state what costs are to be recovered and why.</li> <li>• Records management and personal data policies.</li> </ul>

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- Standards.
- Reports and research.
- Professional codes/ standards of conduct.
- CPD guidance.