

# Freedom of Information Act Policy and Publication Scheme

## Ratification Process

|                       |  |
|-----------------------|--|
| Lead Author:          | Director of Governance   |
| Developed By          | CCG Corporate Governance Team (From original SERCO Policy)                   |
| Approved By           | Integrated Performance & Assurance Committee – 29.09.20                      |
| Ratified by:          | CCG Governing Body – 03.11.20  |
| Version               | 4  |
| Latest Revision Date: | May 2020   |
| Review date:          | May 2022 or earlier if required by changes in local or national requirements |

## Document Control Sheet

|                               |  |
|-------------------------------|--|
| Development and Consultation: | Policy developed in consultation with the Information Governance and IG, BI & IM&T Group and approved by the Integrated Performance and Assurance Committee  |
| Dissemination                 | This policy will be promoted within the CCG and uploaded to the website  |
| Implementation                | The Director of Governance is responsible for monitoring the application of the policy by ensuring that: - <ul style="list-style-type: none"> <li>• The policy is brought to the attention of all employees</li> <li>• Managers are aware of their responsibilities for ensuring that staff under their control implement the policy</li> <li>• Appropriate training and guidance is provided to staff</li> <li>• Corporate business processes support the implementation of the policy</li> </ul> |
| Training                      | Training will be undertaken as part of the CCG's ongoing processes. The FOI Act forms part of the mandatory Information Governance training as part of the IG Toolkit  |
| Monitoring                    | Implementation of the Policy will be monitored on a regular basis  |
| Review                        | This policy will be reviewed bi-annually, or earlier if there are changes in procedures or legislation.  |
| Links with other documents    | This Policy should be read in conjunction with :-<br>Freedom of Information Act 2000<br>The General Data protection Regulations and other related Data Protection legislation<br>CCG Information Governance Policy<br>Records Management and Lifecycle Policy  |
| Equality and Diversity        | The Governance Support manager has revisited the last Equality & Diversity Impact assessment undertaken as part of the last review (May 2020) and updated accordingly. This is attached as Annex D for reference   |

## Revisions

| Version | Page/ Para No       | Description of change   | Date approved  |
|---------|---------------------|---|--|
| 1.0     |                     | Developed as a new policy for Cambridgeshire and Peterborough CCG.  | April 2013   |
| 2 - 0   |                     | Reviewed 2015 - minor amendments made: Website Links refreshed.<br>Publication Scheme updated.  | July 2015  |
| 3.0     |                     | Reviewed February 2018 – minor amendments made: references to legislation reviewed and updated as necessary.<br>New Equality Impact Assessment carried out and included as an annex to the policy.<br>Website links checked and updated where applicable. | IG, BI & IM&T – 08.02.18<br><br>Clinical Executive Committee - |
| 4.0     | New Appendix D      | Guidance Note – Complaints and the Internal Review process added as a new Appendix.   |  |
|         | Throughout document | References to the Lord Chancellor's Department deleted.   |  |
|         | 2.14                | Additional narrative included around the Internal Review process<br><br>Equality Impact Assessment reviewed and updated   |  |

# Freedom of Information Act Policy and Publication Scheme

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## 1 Introduction

### Rationale

The Freedom of Information Act 2000 is part of the Government's commitment to greater openness in the public sector, a commitment supported by Cambridgeshire and Peterborough CCG, referred to hereafter as the CCG. The Freedom of Information Act 2000, referred to hereafter as the Act, will further this aim by helping to transform the culture of the public sector to one of greater openness. It will enable members of the public to question the decisions of public authorities more closely and ensure that the services we provide are efficiently and properly delivered.

The main features of the Act are:

- A general right of access from 1<sup>st</sup> January 2005 to recorded information held by public authorities, subject to certain conditions and exemptions
- In cases where information is exempt from disclosure, except where an absolute exemption applies, a duty on public authorities to:
  - i. inform the applicant whether they hold the information requested, and
  - ii. communicate the information to him or her,unless the public interest in maintaining the exemption in question outweighs the public interest in disclosure.
- A duty on every public authority to adopt and maintain a Publication Scheme.
- Office of the Information Commissioner created with wide powers to enforce the rights created by the Act and to promote good practice, and a new Information Tribunal

The Freedom of Information Act Policy is a statement of what the CCG intends to do to ensure compliance with the Act. It is not a statement of how compliance will be achieved; this will be a matter for operational procedures.

## **Purpose and Scope**

The Freedom of Information Act Policy will apply to all CCG employees, CCG Governing Body Members and Clinical Leads.

The Policy will provide a framework within which the CCG will ensure compliance with the requirements of the Act.

The Policy will underpin any operational procedures and activities connected with the implementation of the Act.

This Policy applies to all the recorded information that the CCG holds that is information created, received and maintained by staff in the course of their work.

Information can be held in a number of different media e.g. paper, electronic (including text, twitter and email), audio and video.

## **Principles**

- 1.3.1 The Policy supports the principle that openness and not secrecy should be the norm in public life. The CCG wants to create a climate of openness and dialogue with all stakeholders and improved access to information about the organisations will facilitate the development of such an environment.
- 1.3.2 The CCG believes that individuals also have a right to privacy and confidentiality. This Policy does not overturn the common law duties of confidence or statutory provisions that prevent disclosure of personal identifiable information. The release of such information is still covered by the subject access provisions of the Data Protection Act 1998/General Data Protection Regulation 2018 – hereafter referred to as Data Protection legislation and is dealt with in other CCG policies.
- 1.3.3 The CCG believes that public authorities should be allowed to discharge their functions effectively. This means that the CCG will use the exemptions contained in the Act where an absolute exemption applies or where a qualified exemption can reasonably be applied in terms of the public interest of disclosure.
- 1.3.4 The CCG believes that staff, Governing Body and Clinical Leads should have access to expert knowledge to assist and support them in understanding the implications of the Act. The Policy sets out a framework to provide this knowledge.
- 1.3.5 The CCG believes that common standards are required to ensure that the organisation is compliant with the Act. The Policy outlines the areas in which common standards will be established through other CCG policies and procedures.

## **2 Freedom of information Act 2000 Policy**

### **2.1 Policy statement**

2.1.1 The CCG will use all appropriate and necessary means to ensure that it complies with the Freedom of Information Act 2000 and associated Codes of Practice pursuant to sections 45(5) and 46(6) of the Act.

### **2.2 Publication Scheme**

2.2.1 The CCG has adopted the model Publication Scheme produced by the Information Commissioner. This is permissible under section 20 of the Act and ensures compliance with section 19 of the legislation. This is set out at Annex A.

2.2.2 The CCG's Publication Scheme will be a prospective document, detailing the information that the CCG publishes at that point in time and intends to publish in the future. It will detail the format in which the information is available and whether or not a charge will be made for the provision of that information. The Publication Scheme will be available through our website. It is no longer a requirement of the Information Commissioner to review this on a three-yearly basis but the CCG will regularly review the document in line with this Policy's review.

2.2.3 Applications for information listed in the Publication Scheme may be received in writing by letter or email. The CCG will establish systems and procedures to process applications arising from the Publication Scheme.

### **2.3 General Rights of Access**

2.3.1 Section 1 of the Act gives a general right of access to recorded information held by the CCG, subject to certain conditions and exemptions contained in the Act. Simply, any person making a request for information (see 2.3.2) to the CCG is entitled:

- a) To be informed in writing whether the organisation holds the information of the description specified in the request, and:
- b) If the CCG holds the information to have that information communicated to them.

This is referred to as the 'duty to confirm or deny'. These provisions are fully retrospective in that if the CCG holds the information it must provide it, subject to the certain conditions and exemptions. The CCG will ensure that procedures and systems are in place to facilitate access by the public to recorded information from this date.

2.3.2 In accordance with section 8 of the Act, a request for information under the general rights of access must be received in writing, stating the name of the applicant and an address for correspondence, and must describe the information being requested. For the purposes of general rights of access, a request is to be treated as made in writing if it is transmitted by electronic means, is received in legible form and is capable of being used for subsequent reference.

2.3.3 The CCG will ensure appropriate systems and procedures are in place to process applications arising from the general rights of access prescribed in the Act.

## **2.4 Conditions and Exemptions**

2.4.1 The duty to confirm or deny is subject to certain conditions and exemptions. Under section 1(3) the duty to confirm or deny does not arise where the organisation:

- a) Reasonably requires further information in order to identify and locate the information requested, and
- b) Has informed the applicant of that requirement.

The CCG will make reasonable efforts to contact the applicant for additional information pursuant to their request should further information be required.

2.4.2 Under section 2 of the Act, the CCG does not have to comply with this duty if the information is exempt under the provisions of Part II of the Act, sections 21 to 44. These provisions either confer an absolute exemption or a qualified exemption. A qualified exemption may be applied if, in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the CCG holds the information. The Part II exemptions are listed in Annex B of this Policy. The CCG will seek to use the qualified exemptions sparingly and will, in accordance with section 17 of the Act justify the use of such exemptions.

2.4.3 The duty to confirm or deny does not arise if a fees notice (see 2.5) has been issued to an applicant and the fee has not been paid within the period of three months beginning on the day which the fees notice is given to the applicant.

2.4.4 The duty to comply with a request for information does not arise if the CCG estimates that the cost of compliance with the request would exceed the appropriate limit that will be established in national Fees Regulations. The CCG will work with applicants to keep compliance costs to a minimum but reserves the right to either (a) refuse or (b) charge for a communication of the information that exceeds this limit.

2.4.5 The CCG is not obliged to comply with a request for information if the request is vexatious. Where the organisation has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or subsequently similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and making of the current request. The CCG will log all requests for information for monitoring purposes and will be able to identify repeated or vexatious requests.

## **2.5 Charges and Fees**

2.5.1 The publications are generally free however CCG's are permitted to charge reasonable fees to meet some of the costs of providing information. The CCG may charge for reasonably incurred costs to:

- Inform the applicant whether the CCG holds the information and

- Communicate the information to the applicant

2.5.2 The fee may include:

- The cost of putting the information into the applicant's request format e.g. audio, CD
- Photocopying and printing costs (set at no more than 10 pence per page)
- Postage or other transmission costs

2.5.3 In calculating the cost, the CCG is not permitted to take account of staff time required to carry out the work.

2.5.4 The CCG is not obliged to charge a fee in meeting their duties under the Act and where the costs incurred are minimal the fee should be waived.

2.5.5 Additionally, the CCG will not charge for putting the information into another format if we are under a duty to make information accessible under other legislation such as the Equality Act 2010 and also the NHS Accessible Information Standard. An Equality Impact Assessment has been undertaken in relation to this Policy and is attached as Annex D to the policy.

2.5.6 There may be cases where the costs of meeting the request would exceed the appropriate limit, set at £450. If this is the case, the CCG is allowed to refuse to answer the request. The limit is applied first to the organisation's duty to confirm or deny that it holds the information and then to its duty to supply the information. Therefore, if it would cost more than £450 to confirm or deny there is no duty to do so.

2.5.7 We are permitted to estimate whether the cost of meeting a particular request would exceed the £450 limit. To do this we will take account of the costs of employing staff to:

- Find out whether the information is held
- Locate and retrieve the information
- Extract the information (including editing and redacting)

To estimate these staff costs, we will use an hourly rate of £25 per person per hour. No other costs will be taken into account when making this estimation.

2.5.8 Detailed guidance on fees is available on the Information Commissioners web-site <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

## **2.6 Time Limits for Compliance with Requests**

2.6.1 The CCG will establish systems and procedures to ensure that the organisation complies with the duty to confirm or deny and to provide the information requested within twenty working days of a request in accordance with section 10 of the Act. All staff, Governing Body Members and Clinical Leads will be required to comply with the requirements of these procedures; failure to do so may result in disciplinary action.

- 2.6.2 If the information requested by the applicant incurs a charge or a fee and the applicant has paid this in accordance with section 9(2), the working days' notice in the period from when the applicant received the fees notice to when they paid will be disregarded for the purposes of calculating the twentieth working day following receipt.
- 2.6.3 If the organisation chooses to apply an exemption to any information or to refuse a request as it appears to be vexatious or repeated, or exceeds the appropriate limit for costs of compliance, a notice shall be issued within twenty working days informing that applicant of this decision (see 2.8).

## **2.7 Means by which Information will be Conveyed**

- 2.7.1 When an applicant, on making their request for information, expresses a preference for communication by any one or more of the following means, namely:
- a) The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant
  - b) The provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
  - c) The provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant,

The CCG shall so far as reasonably practicable, give effect to that preference in accordance with Section 11 of the Act.

- 2.7.2 In determining whether it is reasonably practicable to communicate information by a particular means, the CCG will consider all the circumstances, including the cost of doing so. If the organisation determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making their request, the organisation will notify the applicant of the reasons for its determination and will provide the information by such means as which it deems to be reasonable in the circumstances.
- 2.7.3 The CCG will establish systems and procedures to monitor the provision of information arising from requests under the Act.

## **2.8 Refusal of Requests**

- 2.8.1 As indicated above, the duty to confirm or deny does not arise if the CCG:
- a) Using Section 2 of the Act applies an exemption under Part II of the act, as illustrated in Annex B.
  - b) Has issued a fees notice under Section 9 of the Act and the fee has not been paid within a period of three months beginning with the day on which the fees notice was given to the applicant
  - c) Under Section 12 of the Act estimates that the cost of compliance with the request for information exceeds the appropriate limit

d) Can demonstrate that the request for information is vexatious or repeated, as indicated by Section 14 of the Act

2.8.2 If the CCG chooses to refuse a request for information under any of the above clauses, the applicant will be informed of the reasons for this decision within twenty working days. As set out in Section 17(7) the applicant will also be informed of the procedures for making a complaint about the discharge of the duties of the organisation under the Act and of the right conferred by section 50 of the Act (see 2.10).

2.8.3 If the organisation to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information a notice will be issued within twenty working days under section 17 of the Act. The notice will:

a) State that fact

b) Specify the exemption in question

c) State (if that would not otherwise be apparent) why the exemption applies

2.8.4 Where the organisation is relying on a claim:

a) That any provision of Part II which relates to the duty to confirm or deny and is not specified in Section 2(3) of the Act as an absolute exemption is relevant to the request, or

b) That the information is exempt only by virtue of a qualified exemption, a provision not specified in Section 2(3),

And at a time when the notice under 2.8.3 above is given to the applicant has not yet reached a decision as to the application of subsection 1(b) or 2(b) of Section 2 of the Act – the application of an exemption – the notice will indicate that no decision as to the application of an exemption has been reached and contain an estimate of the date by which the CCG expects that a decision will have been reached.

2.8.5 As indicated by the Code of Practice issued under Section 45 of the Act, such estimates as described in 2.8.4 should be realistic and reasonable and compliance is expected unless there are extenuating circumstances. If an estimate is exceeded, the applicant will be given a reason/reasons for the delay and offered an apology by the organisation. If the CCG finds, while considering the public interest, that the estimate is proving unrealistic, the applicant will be kept informed. The CCG will keep a record of instances where estimates are exceeded, and where this happens more than occasionally, take steps to identify the problem and rectify it.

2.8.6 If applying a qualified exemption under subsection 1(b) or 2(b) of Section 2 of the Act, the CCG will either in the notice issued under 2.8.3 above or a separate notice given within such a time as is reasonable in the circumstances, state the reasons for claiming:

- a) That, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the organisation holds the information, or
- b) That, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

The statement should not involve the disclosure of information which would itself be exempt information.

2.8.7 If the organisation is relying on a claim that Section 12 or 14 of the Act apply, the notice will state that fact. If the CCG is relying on a claim that the request is vexatious or repeated under Section 14 of the Act, and a notice under section 17 has already been issued to the applicant stating this fact, a further notice is not required.

2.8.8 The CCG will keep a record of all notices issued to refuse requests for information.

## **2.9 Duty to Provide Advice and Assistance**

2.9.1 The CCG will ensure that systems and procedures are in place to meet the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the organisations to do so, to persons who propose to make, or have made, requests for information. This is a duty under Section 16 of the Act.

2.9.2 The CCG will ensure that the systems and procedures that are deployed to meet the Section 16 duty also conform to the Code of Practice issued under Section 45 of the Act.

## **2.10 Transferring Requests for Information**

2.10.1 A request can only be transferred where the CCG receives a request for information which it does not hold, within the meaning of Section 3(2) of the Act, but which is held by another public authority. If the CCG is in receipt of a request and holds some of the information requested, a transfer can only be made in respect of the information it does not hold (but is held by another public authority). The CCG recognises that “holding” information includes holding a copy of a records produced or supplied by another person or body (but does not extend to holding a record on behalf of another person or body as provided for in Section 3(2)(a) of the Act).

2.10.2 Upon receiving the initial request for information, the CCG will always process it in accordance with the Act in respect of such information relating to the request as it holds. The CCG will also advise the applicant that it does not hold part of the requested information, or all of it, whichever applies. Prior to doing this, the CCG must be certain as to the extent of the information relating to the request that it holds itself.

2.10.3 If the CCG believes that some or all of the information requested is held by another public authority, the organisation will consider what would be the most helpful way of assisting the applicant with his or her request. In most cases this is likely to involve:

- a) Contacting the applicant and informing them that the information requested may be held by another public authority
- b) Suggesting that the applicant re-applies to the authority that the original authority believes holds the information
- c) Providing the applicant with contact details for that authority

2.10.4 If the CCG considers it to be more appropriate to transfer the request to another authority in respect of the information which it does not hold, consultation will take place with the other authority with a view to ascertaining whether it does hold the information and if so, consider whether the request should be transferred. A request (or part of a request) will not be transferred without confirmation from the second authority that it holds the information. Prior to transferring a request for information to another authority, the CCG will consider:

- a) Whether a transfer is appropriate; and if so
- b) Whether the applicant is likely to have any grounds to object to the transfer

If the organisation reasonably concludes that the applicant is not likely to object, it may transfer the request without going back to the applicant but will inform the applicant that it has done so.

2.10.5 Where there are reasonable grounds to believe an applicant is likely to object, the CCG will only transfer the request to another authority with the applicant's consent. If there is any doubt, the applicant will be contacted with a view to suggesting that he or she makes a new request to the other authority.

2.10.6 All transfers of requests will take place as soon as is practicable, and the applicant will be informed as soon as possible once this has been done. Where the CCG is unable either to advise the applicant which it holds or may hold, the requested information or to facilitate the transfer of the request to another authority (or considers it inappropriate to do so) it will consider what advice, if any, it can provide to the applicant to enable him or her to pursue his or her request.

## **2.11 Consultation with Third Parties**

2.11.1 the CCG recognise that in some cases the disclosure of information pursuant to a request may affect the legal rights of a third party, for example where information is subject to the common law duty of confidence or where it constitutes "personal data" within the meaning of Data Protection legislation. Unless an exemption provided for in the Act applies in relation to any particular information, the CCG will be obliged to disclose that information in response to a request.

2.11.2 Where a disclosure of information cannot be made without the consent of a third party (for example where information has been obtained from a third party and in the circumstances the disclosure of the information without their consent would constitute an actionable breach of the confidence such that the exemption at section 41 of the Act would apply), the CCG will consult that third party with a view to seeking their consent to the disclosure, unless such a consultation is not practicable, for example because the third party cannot be located or because the costs of consulting them would be disproportionate. Where the interests of the third

party that may be affected by a disclosure do not give rise to legal rights, consultation may still be appropriate.

2.11.3 Where information constitutes “personal data” within the meaning of Data Protection legislation, the CCG will have regard to section 40 of the Act, which makes detailed provision for cases in which a request relates to such information and the interplay between the Act and the Data Protection legislation in such cases.

2.11.4 The CCG will undertake consultation where:

- a) The views of the third party may assist the authority to determine whether an exemption under the Act applies to the information requested; or
- b) The views of the third party may assist the authority to determine where the public interest lies under Section 2 of the Act.

2.11.5 The CCG may consider that consultation is not appropriate where the cost of consulting with third parties would be disproportionate. In such cases, the CCG will consider what is the most reasonable course of action for it to take in light of the requirements of the Act and the individual circumstances of the request. Consultation will be unnecessary where:

- a) The public authority does not intend to disclose the information relying on some other legitimate ground under the terms of the Act
- b) The views of the third party can have no effect on the decision of the authority, for example where there is other legislation preventing or requiring the disclosure of this information
- c) No exemption applies and so under the Act’s provisions, the information must be provided

2.11.6 Where the interests of a number of third parties may be affected by a disclosure, and those parties have a representative organisation which can express views on behalf of those parties, the CCG will, if it considers consultation appropriate, consider that it would be sufficient to consult that representative organisation. If there is no representative organisation, the CCG may consider that it would be sufficient to consult a representative sample of the third parties in question.

2.11.7 The fact that the third party has not responded to consultation does not relieve the CCG of its duty to disclose information under the Act, or its duty to reply within the time specified in the act. In all cases, it is for the CCG, not the third party (or representative of the third party) to determine whether or not information should be disclosed under the Act. A refusal to consent to disclosure by a third party does not, in itself, mean that information should be withheld.

## **2.12 Public Sector Contracts**

2.12.1 When entering into contracts, the CCG will refuse to include contractual terms, which purport to restrict the disclosure of information held by them and relating to the contract beyond the restrictions permitted by the Act. Unless an exemption provided for under the Act is applicable in relation to any particular information, the

organisation will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

2.12.2 When entering into contracts with non-public authority contractors, the CCG may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As originally recommended by the Lord Chancellor's Department, the CCG will reject such clauses wherever possible. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the organisation will investigate the option of agreeing with the contractor a schedule of the contract that clearly identifies information that should not be disclosed. The CCG will take care when drawing up any such schedule and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the Act, as described in the paragraph above. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Commissioner.

2.12.3 The CCG will not agree to hold information 'in confidence' which is not in fact confidential in nature. The exemption provided for in Section 41 only applies if information has been obtained by a public authority from another person, and the disclosure of the information to the public, otherwise than under the Act would constitute a breach of confidence actionable by that, or any other person.

2.12.4 It is for the CCG to disclose information pursuant to the Act, and not the non-public authority contractor. The CCG will take steps to protect from disclosure by the contractor information that the authority has provided to the contractor that would clearly be exempt from disclosure under the Act, by appropriate contractual terms. In order to avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible, and according to the individual circumstances of the case. Apart from such cases, the CCG will not impose terms of secrecy on contractors.

## **2.13 Accepting Information in Confidence from Third Parties**

2.13.1 The CCG will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the authority's functions and it would not otherwise be provided.

2.13.2 The CCG will not agree to hold information received from third parties "in confidence" that is not confidential in nature. Again, acceptance of any confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

## **2.14 Complaints about the Discharge of the Duties of the CCG under the Act & Internal Review Process**

2.14.1 The CCG will implement a procedure for dealing with complaints about the discharge of the duties of the organisation under the Act, including the handling of requests for information.

2.14.2 The Code of Practice issued under Section 45 of the FOI Act recommends that each public authority should have in place a procedure for dealing with complaints made in relation to the handling of requests for information. In this context the terms "procedure for dealing with complaints" and "internal review" are treated as one and

the same. The CCG has established an internal review process to address complaints. This is set out at Annex D

### **2.14.3 A request for a review from a complainant may involve:**

- A request for a review of a decision to withhold information or;
- A complaint about the handling of a request for information or
- A complaint about the Council's publication scheme.

The CCG reserves the right to ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

### **2.14.4 Grounds for complaint**

An applicant is entitled to complain to the CCG if:

- It is believed that the application was not dealt with within the 20-working day-time limit.
- All the information requested is not received
- A reason for the request being refused is not received
- It is felt that exemptions have been wrongly applied, and/or
- It is felt that a fee has been wrongly applied

An applicant must submit a request for a review no later than 40 working days from the date of receipt of the response.

The procedure will also refer applicants to the right under section 50 of the Act to apply to the Information Commissioner if they remain dissatisfied with the conduct of the organisation following attempts at local resolution of their complaint. Applicants will be advised that they are entitled to appeal in writing to the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Further details can be found at <https://ico.org.uk/>

## **2.15 Records Management**

2.15.1 The CCG will have a separate policy with supporting systems and procedures that will ensure compliance with the Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000 and the Department of Health's Guidance HSC 1999/053, For the Record: Managing Records in NHS Trusts and Health Authorities.

2.15.2 The policy and associated procedures will address issues of active records management – creation, keeping, maintenance and disposal – according to the requirements that the law places upon the CCG. The current policy - *Records Management and Lifecycle Policy* - is published on the CCG's website.

### **3 Implementation and Compliance**

#### **3.1 Responsibilities of all Staff**

All staff, Governing Body Members and Clinical Leaders are obliged to adhere to this policy. A failure to adhere to this policy and its associated procedures may result in disciplinary action. Managers at all levels are responsible for ensuring that the staff for whom they are responsible are aware of and adhere to this policy. They are also responsible for ensuring staff are updated in regard to any changes in this Policy.

#### **3.2 Corporate Oversight**

Adherence to the Freedom of Information Act 2000 is clearly identified within the CCG's Information Governance Strategies.

The Director of Governance will oversee the implementation of this Policy on behalf of the CCG.

The Director of Governance will establish systems and procedures that will support the implementation of this Policy which, as stated above, all staff and Lay Members will be expected to adhere to.

#### **3.3 Training**

The Director of Governance will ensure that training on the Act is available to staff, Governing Body members and Clinical Leads who require it. Awareness raising of the Act and the CCGs' Policy will be included in the Corporate Induction. Mandatory on-line information governance training is undertaken via the e-Learning site hosted by NHS Health Education England. All staff complete the Data Security Awareness Level 1 programme annually.

### **4 Reference Documents**

- Data Protection Act 1998
- General Data Protection Regulations 2018
- Equality Act 2010
- Freedom of Information Act 2000
- HSC 1999/053, For the Record: Managing Records in NHS Trusts and Health Authorities, Department of health, 1999.

### **5 Distribution**

5.1 The Policy will be published on the CCG's website link below.

<https://www.cambridgeshireandpeterboroughccg.nhs.uk/about-us/freedom-of-information/>

Copies can also be obtained on request from the CCG Corporate Governance Team. E-mail. [CAPCCG.freedomofinformation1@nhs.net](mailto:CAPCCG.freedomofinformation1@nhs.net)

## **6. Review**

This policy will be reviewed on a bi-annual basis.

|         |  |
|---------|--|
| Annex A | Publication Scheme                                       |
| Annex B | Exemptions   |
| Annex C | Glossary   |
| Annex D | Complaints and the Internal Review Process Guidance Note |
| Annex E | Equality Impact Assessment                               |

## Freedom of Information Act – Publication Scheme

### 1. Introduction

The CCG's publication scheme has been based on the model publication scheme which was prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits the CCG to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the organisation. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits Cambridgeshire and Peterborough CCG:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

## **2. Classes of information**

The Classes of Information held by the CCG are available in the following categories: -

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

Organisational information, locations and contacts, constitutional and legal governance.

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

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

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

Strategy and performance information, plans, assessments, inspections and reviews.

### **How we make decisions.**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

### **Our policies and procedures.**

Current written protocols for delivering our functions and responsibilities.

### **Lists and registers.**

Information held in registers required by law and other lists and registers relating to the functions of the organisation.

### **The services we offer.**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

## **3. The method by which information published under this scheme will be made available**

The CCG will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of Cambridgeshire and Peterborough CCG, information will be provided on our web-site via the [document finder](#).

Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, information can be obtained by contacting:

CCG Secretary  
Cambridgeshire & Peterborough CCG  
Lockton House  
Cambridge CB2 8FH  
Email: [CAPCCG.freedomofinformation1@nhs.net](mailto:CAPCCG.freedomofinformation1@nhs.net)

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

#### **4. Charges which may be made for information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament and this is set out in Section 2.5 of the CCG's Freedom of Information Act Policy.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, are justified and in accordance with a published schedule or schedules of fees, which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

## 5. Copyright

The material available through this Publication Scheme is subject to the CCG's copyright unless otherwise indicated. Unless expressly indicated on the material to the contrary, it may be reproduced free of charge in any format or medium, provided it is reproduced accurately and not used in a misleading manner. Where any of the copyright items in this Scheme are being re-published or copied to others, you must identify the source of the material and acknowledge the copyright status.

Permission to reproduce material does not extend to any material accessed through the Publication Scheme that is the copyright of third parties. You must obtain authorisation to reproduce such material from the copyright holders concerned. For HMSO Guidance Notes on a range of copyright issues, see the [OPSI web site](#) or contact:

HMSO Licensing Division  
St Clements House  
2-16 Colegate  
Norwich  
NR3 1BQ

Tel: 01603 621000  
Fax: 01603 723000  
Email: [OPSI Licensing](#)

## 6. Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

## 7. References

### Web sites:

[The Information Commissioner's Office \(Guide to Freedom of Information\)  
https://ico.org.uk/for-organisations/guide-to-freedom-of-information/](https://ico.org.uk/for-organisations/guide-to-freedom-of-information/)

### Publications:

- [Freedom of Information Act 2000](http://www.legislation.gov.uk/ukpga/2000/36/contents)  
<http://www.legislation.gov.uk/ukpga/2000/36/contents>
- [Freedom of Information Act 2000 Explanatory Notes](http://www.legislation.gov.uk/ukpga/2000/36/notes/contents)  
<http://www.legislation.gov.uk/ukpga/2000/36/notes/contents>
- [Code of Practice under Section 45 FOI Act 2000](http://www.legislation.gov.uk/ukpga/2000/36/section/45)  
<http://www.legislation.gov.uk/ukpga/2000/36/section/45>

- **Code of Practice under Section 46 FOI Act 2000**  
<http://www.legislation.gov.uk/ukpga/2000/36/section/46>

## 8. Complaints

Complaints regarding the handling of Freedom of Information Act requests will be dealt with through the Chief Executive's Office in line with the NHS Complaints procedure. Leaflets advertising the complaints procedure will be made available to the public.

If complainants are dissatisfied with the CCG's response, they can write to the Information Commissioner who enforces and oversees the Data Protection Act 1998 and the Freedom of Information Act 2000. The Commissioner is a UK independent supervisory authority reporting directly to the UK Parliament and has an international role as well as a national one. In the UK, the Commissioner has a range of duties including the promotion of good information handling and the encouragement of codes of practice for data controllers, that is, anyone who decides how and why personal data, (information about identifiable, living individuals) are processed.

Contact: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF; Fax: 01625 524 510; Enquiry/Information Line **Tel: 01625 545 745**;  
E-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
<https://ico.org.uk/>

## Cambridgeshire and Peterborough CCG Freedom of Information Act Policy

### Exempt Information Under Part II of the Freedom of Information Act 2000

There are two types of class exemption:

- a) Absolute – do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure
- b) Qualified by the public interest test – require the public body to decide whether it is in the balance of public interest to not disclose information

With the exception of section 21 (information available by other means), exemptions apply not only to the communication of information but also to the duty to confirm or deny, if that itself would disclose information that it is reasonable to withhold.

The absolute exemptions under the Act are:

- Section 21: Information accessible to the applicant by other means
- Section 23: Information supplied by or relating to bodies dealing with security matters
- Section 32: Court records
- Section 34: Parliamentary privilege
- Section 36: Prejudice to effective conduct of public affairs (so far as relating to information held by the House of Commons or the House of Lords)
- Section 40: Personal information (where disclosure may contravene the Data Protection Act 1998)
- Section 41: Information provided in confidence
- Section 44: Prohibitions on disclosure

The exemptions that are qualified by the public interest test are:

- Section 22: Information intended for future publication
- Section 24: National Security
- Section 26: Defence
- Section 27: International Relations
- Section 28: Relations within the United Kingdom
- Section 29: The Economy
- Section 30: Investigations and proceedings conducted by public authorities
- Section 31: Law enforcement
- Section 33: Audit functions
- Section 35: Formulation of Government policy
- Section 36: Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)
- Section 37: Communications with Her Majesty etc and honours
- Section 38: Health and safety
- Section 39: Environmental information
- Section 42: Legal professional privilege
- Section 43: Commercial interests

More information on the exemptions can be found on the Information Commissioners website at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

## Cambridgeshire and Peterborough CCG Freedom of Information Act Policy

### Glossary of Terms

#### **Absolute exemption**

Applied to information that does not have to be released to the applicant either through a Publication Scheme (q.v.) or through general right of access (q.v.) under the Act. Information to which an absolute exemption applies does not require a public authority (q.v.) to take a test of prejudice or the balance of public interest to be in favour of non-disclosure. Reference to absolute exemptions can be found in Part I section 2 and Part II of the Act.

#### **Applicant**

The individual(s), group or organisation requesting access to information under the Act.

#### **Duty to confirm or deny**

Any person making a request for information to a public authority (q.v.) is entitled to be informed in writing by that authority whether or not the public authority holds the information specified in the request.

#### **Fees notice**

A written notification issued to an applicant (q.v.) stating that a fee is payable and exempts public authorities (q.v.) from being obliged to disclose information until the fee has been paid. The applicant will have three months from the date of notification to pay the fee before his or her request lapses.

#### **Fees regulations**

National regulations that will prohibit a fee with regard to certain types of request set an upper limit on amounts that may need to be charged and prescribe the manner in which any fees are to be calculated. The regulations will not apply where provision is made under another Act as to the fee that may be charged for the provision of particular information.

#### **General right of access**

Section 1 of the Act confers a general right of access to information held by public authorities (q.v.). An applicant (q.v.) has a right to be told whether that authority holds the information requested, and if it is held, to have it communicated to them. Provisions limiting an authority's duty under section 1 appear in sections 1(3), 2, 9, 12 and 14 and in Part II of the Act. The grounds in sections 9, 12 and 14 relate to the request itself and the circumstances in which an authority is not obliged to comply with it. The provisions of Part II relate to the nature of the information requested.

#### **Information Commissioner**

The Information Commissioner enforces and oversees the Data Protection Act 1998 and the Freedom of Information Act 2000. The Commissioner is a United Kingdom (UK) independent supervisory authority reporting directly to the UK Parliament and has an international role as well as a national one. In the UK the Commissioner has a range of duties including the promotion of good information handling and the encouragement of codes of practice for data controllers, that is, anyone who decides how and why personal data (information about identifiable, living individuals) are processed.

#### **Public authority**

The Act is intended to have a wide application across the public sector at national, regional and local level. In view of the large number of bodies and offices intended to fall within the scope of the

Act, it is not feasible to list each body individually. Public Authorities are, therefore, designated in one of the following ways:

- a) On the face of the Act (in schedule 1), using generic descriptions where appropriate, which specifies the principal authorities in national and local government, together with the principal public authorities relating to the armed forces, National Health Service, education, the police and other public bodies and offices.
- b) By order under section 4(1) adding to Schedule 1 any body or the holder of any office that satisfies certain specified conditions.
- c) By order under section 5 adding any person that satisfies certain conditions and that appears to the Secretary of State to exercise functions of a public nature or is providing under a contract with a public authority any service whose provision is a function of that authority.
- d) By reference to the definition of a publicly owned company in section 6.

### **Publication Scheme**

A scheme specifying the classes of information that it publishes or intends to publish, the manner of publication and whether the information is available to the public free of charge or on payment.

### **Qualified exemption**

Information to which a qualified exemption applies requires a public authority (q.v.) to take a test of prejudice or to demonstrate that the balance of public interest is in favour of non-disclosure. Reference to qualified exemptions can be found in Part I section 2 and Part II of the Act.

## Freedom of information Requests

### Guidance Note - Complaints and the Internal Review Process

#### 1.1 Overview

The Freedom of Information Act (the FOI Act) gives rights of public access to information held by public authorities. The Code of Practice issued under Section 45 of the FOI Act recommends that each public authority should have in place a procedure for dealing with complaints made in relation to the handling of requests for information. In this context the terms “procedure for dealing with complaints” and “internal review” are to be treated as one and the same.

#### 1.2 Scope

This process should be used where an applicant wishes a review to be conducted about the way the CCG has responded to a request for information made under the FOI Act. All applicants must be informed of their right to request a review under this process when they are sent a response to a request for information.

#### 1.3 Dealing with a request for review

Any written reply from an applicant expressing dissatisfaction with the CCG’s response to a valid request for information will be treated as a complaint to be dealt with under this process whether or not the applicant has specifically asked for the decision or the handling of the application to be reviewed internally.

#### 1.4 A request for a review from a complainant may involve:

- A request for a review of a decision to withhold information or;
- A complaint about the handling of a request for information or
- A complaint about the Council’s publication scheme.

The CCG reserves the right to ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

#### 1.5 Grounds for complaint

An applicant is entitled to complain to the CCG if:

- It is believed that the application was not dealt with within the 20 working day time limit.
- All the information requested is not received
- A reason for the request being refused is not received
- It is felt that exemptions have been wrongly applied, and/or
- It is felt that a fee has been wrongly applied

An applicant must submit a request for a review no later than 40 working days from the date of receipt of the response.

## **1.6 Carrying out an Internal Review**

- 1.6.1 On receipt of a request for an Internal Review a relevant Director or Manager will be identified to independently review the original decision and oversee any further investigation required. The nominated Director/manager should have had no direct involvement in the handling of the original request)
- 1.6.2 The nominated Director/Manager will consider all of the information that was requested, including copies of any information that was exempted. Every effort must be made to ensure a fresh, independent approach is taken. The Reviewing Director/manager will make a decision as to whether any exemptions used were properly applied, and whether the CCG has complied with its statutory duties.
- 1.6.3 The nominated Director/Manager will write to the applicant informing them of the outcome of the review providing reasons for the decision. If the decision is made that some or all of the information that had been requested should be released to the applicant, the information will be sent out with the decision letter. If this is not possible the Applicant will be notified of when the information will be released.
- 1.6.4 Where the original decision is reversed and the information is deemed suitable for release, the applicant should be informed immediately, and the information should be sent out within 10 working days, where this is not possible a time for release must be stated in the decision letter.
- 1.6.5 If the original decision is upheld and the CCG still feels the information is exempt from release, the applicant will be informed of the outcome of the review, the reasoning behind it and advised of their right to appeal the Information Commissioner if they are dissatisfied with the CCG's response.

The Information Commissioner  
Wycliffe House,  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel No: 01625 545700  
Fax No: 01625 545510

## 1.7 Timescale for Carrying out an Internal Review

The FOIA does not stipulate a time limit for completion of an internal review, but the Section 45 Code states that they should be dealt with in a reasonable timeframe. The Information Commissioner's view is that a reasonable time for completing a review is **20 working days** from the date of the request for review.

In some instances, it may be reasonable to take longer. Where this is the case the CCG should notify the requester of this and explain why additional time is needed and give an estimate of the completion date. The total time taken for a review should not exceed **40 working days**.

The ICO would expect to see evidence that the CCG had acted promptly in response to a request for review and that it had actively worked on it throughout that period.

End

## Annex E

### Equality Impact Assessment –

|   |   |
|---|---|
| <b>Name of Proposal (policy/strategy/function/service being assessed)</b> | Freedom of Information and Publication Scheme Policy  |
| Those involved in assessment:   | <p><u>Original Assessment</u> Associate Director of Corporate Affairs (CCG Secretary)</p> <p>Governance Support Manager</p> <p>IG, BI &amp; IM&amp;T Steering Group (received 08.02.18)</p> <p>Assessment reviewed by Corporate Governance Manager 04.05.20</p> |
| Is this a new proposal?   | No  |
| Date of Initial Screening:  | <p>31.01.18</p> <p>Reviewed 04.05.20</p>  |

|   |  |
|---|--|
| What are the aims, objectives?                        | To provide a framework within which the CCG will ensure compliance with the requirements of the FOIA and to underpin the CCG's operational procedures for implementation of the Act  |
| Who will benefit?                                     | <p>Staff working for and on behalf of Cambridgeshire and Peterborough CCG</p> <p>Cambridgeshire and Peterborough CCG</p> <p>Individuals and organisations that make FOI requests</p>   |
| Who are the main stakeholders?                        | <p>The FOIA Policy will apply to all CCG employees, Governing Body Lay Members and clinical leads</p> <p>Individuals and organisations that make FOI requests</p>  |
| What are the desired outcomes?                        | <p>Ensure that</p> <ul style="list-style-type: none"> <li>• there is a clearly defined process for staff to follow to respond to FOI requests</li> <li>• individuals and organisations are provided with details making an FOI request</li> </ul> <p>The CCG is compliant with their statutory duties relating to the Freedom of Information Act</p> |
| What factors could detract from the desired outcomes? | <ul style="list-style-type: none"> <li>• Policy not available to staff and those wishing to make an FOI request</li> </ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Staff not following policy</li> <li>• Responses not available in appropriate format</li> <li>• Staff not following correct procedure for requesting retrieval of archived records</li> </ul> <p>Records not being reviewed appropriately prior to release</p> |
| What factors could contribute to the desired outcomes?               | <p>Promotion of the policy, appropriate staff induction training, appropriate technology being available, staff adhering to IG and IT security policies</p> <p>Policy available on CCG website</p>   |
| Who is responsible?  | Director of Governance   |
| Have you consulted on the proposal? If so with whom? If not why not? | Original assessment taken through IG, BI & IM&T Group (08.02.18)   |

| <b>Which protected characteristics could be affected and be disadvantaged by this proposal (Please tick )</b> |  | Yes | No |
|---|--|-----|----|
| Age   | <u>Consider:</u> Elderly, or young people  |     | √  |
| Disability  | <u>Consider:</u> Physical, visual, aural impairment<br>Mental or learning difficulties                                   |     | √  |
| Gender Reassignment   | <u>Consider:</u> Transsexual people who propose to, are doing or have undergone a process of having their sex reassigned |     | √  |
| Marriage and Civil Partnership  | <u>Consider:</u> Impact relevant to employment and /or training  |     | √  |
| Pregnancy and maternity   | <u>Consider:</u> Pregnancy related matter/illness or maternity leave related mater                                       |     | √  |
| Race  | <u>Consider:</u> Language and cultural factors, include Gypsy and Travellers group                                       |     | √  |
| Religion and Belief   | <u>Consider:</u> Practices of worship, religious or cultural observance, include non-belief                              |     | √  |
| Sex /Gender   | <u>Consider:</u> Male and Female   |     | √  |
| Sexual Orientation  | <u>Consider:</u> Know or perceived orientation   |     | √  |

What information and evidence do you have about the groups that you have selected above?

The FOIA is pertinent to all groups

Consider: Demographic data, performance information, recommendations of internal and external inspections and audits, complaints information, JNSA, ethnicity data, audits, service user data, GP registrations, CHD, Diabetes registers and public engagement/consultation results etc.

**How might your proposal impact on the groups identified? For example, you may wish to consider what impact it may have on our stated goals: Improving Access, Promoting Healthy Lifestyles, Reducing Health Inequalities, Supporting Vulnerable People**

Examples of impact re given below:

- a) Moving a GP practice, which may have an impact on people with limited mobility/access to transport etc.
- b) Planning to extend access to contraceptive services in primary care without considering how their services may be accessed by lesbian, gay, bi-sexual and transgender people.
- c) Closure or redesign of a service that is used by people who may not have English as a first language, and may be excluded from normal communication routes.

Please list the positive and negative impacts you have identified in the summary table on the following page.

N/a

|   |     |
|---|-----|
| <b>1 Summary</b>                            |     |
| Positive impacts (note the groups affected) | N/a |

Summarise the negative impacts for each group:

N/a

What consultation has taken place or is planned with each of the identified groups?

None

What was the outcome of the consultation undertaken?

N/a

What changes or actions do you propose to make or take as a result of research and/or consultation?

**Briefly describe the actions then please insert actions to be taken on to the given Improvement Plan template provided.**  
N/a

Will the planned changes to the proposal:

**Please state Yes or No**

|   |     |
|---|-----|
| Lower the negative impact?  | N/a |
| Ensure that the negative impact is legal under anti-discriminatory law?                                     | N/a |
| Provide an opportunity to promote equality, equal opportunity and improve relations i.e. a positive impact? | N/a |

Taking into account the views of the groups consulted and the available evidence, please clearly state the risks associated with the proposal, weighed against the benefits.

N/a

What monitoring/evaluation/review systems have been put in place?

The Policy will be reviewed every two years or earlier if there are any changes to local or national requirements

When will it be reviewed?

May 2022

|                               |  |
|-------------------------------|--|
| <b>Date Review completed:</b> | 04.05.20   |
| <b>Signature:</b>             | Simon Barlow: Corporate Governance Manager               |
| <b>Approved by:</b>           | Issued to Soomitra Kawal for review/sign-off (04 May 18) |
| <b>Date approved:</b>         | 15 May 2020  |