

**FREEDOM OF INFORMATION
PUBLICATION SCHEME FOR
NHS FORTH VALLEY**

30 June 2007

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Welcome to NHS Forth Valley's Publication Scheme. The Publication Scheme is in 2 parts, as follows:

PART ONE: Introduction and Background Information

PART TWO: The Classes of Information

1. PART ONE: INTRODUCTION AND BACKGROUND INFORMATION

• **The NHS in Scotland**

1. The NHS in Scotland is a large and complex organisation but is essentially organised into 2 tiers. The Scottish Executive Health Department (SEHD) is responsible for national policy and NHS Boards are responsible for local health planning and improvement and for the delivery of hospital, community and primary care services. There are also 8 Special Health Boards which provide services on a national basis. The SEHD is responsible to Scottish Ministers and Ministers are accountable to the Scottish Parliament for the activities of the NHS in Scotland. The Head of SEHD is also Chief Executive of NHSScotland and, as the accountable officer, he is directly accountable to the Scottish Parliament for financial propriety and regularity and for achieving best value from the resources allocated to SEHD and NHSScotland.
2. The Publication Scheme covers the 14 NHS Boards and the 8 Special Health Boards in Scotland and in particular refers to NHS Forth Valley.

NHS Boards

Ayrshire & Arran
Borders
Dumfries & Galloway
Fife
Forth Valley
Grampian
Greater Glasgow
Highland
Lanarkshire
Lothian
Orkney
Shetland
Tayside
Western Isles

Special Health Boards

NHS Quality Improvement Scotland
NHS Health Scotland
NHS Education for Scotland
Common Services Agency
Golden Jubilee National Hospital
Scottish Ambulance Service
State Hospital
NHS 24

NHS Boards

3. An NHS Board is a body corporate consisting of a Chair appointed by the Scottish Ministers and such numbers of other members so appointed as the Scottish Ministers think fit.

NHS Boards manage their day-to-day affairs without detailed oversight from Ministers and SEHD. Boards are accountable to Ministers and SEHD for the financial and operational performance of the local NHS system.

NHS Boards are primarily responsible for the protection and improvement of the health of their population; the delivery of hospital, community and primary care services; for developing a local health plan which addresses the health priorities and health care needs of the population; for allocation resources to address local priorities in accordance with a Board's strategic objectives and the performance management of the local health system.

- **What is a Publication Scheme**

1. The Freedom of Information (Scotland) Act 2002 (FOISA) recognises that as a member of the public you have the right to know how public services such as the NHS are organised and run, how much they cost and how you can make complaints if you need to. You have the right to know which services are being provided, the targets that are being set, the standards of services that are expected and the results achieved. We are committed to openness and transparency in the provision of information to the public.
2. This Publication Scheme is made under FOISA and is a guide to the information routinely published by NHS Forth Valley. The Publication Scheme will help you find all the information which NHS Forth Valley publishes. It is organised into a series of 13 Classes (paragraph 16) and the information is encompassed with the Classes (paragraph 23-35). It is a description of the information held by NHS Forth Valley which we make publicly available. Although the information in the Classes is common to NHS Boards and Special Health Boards, please note that the titles of some of the documents/information may vary according to NHS Board/Special Health Board. We shall review the Scheme at regular intervals and monitor how it is operating. It is important to us that this Scheme meets your needs and we have designed it to be route map so that you can find information about NHS Forth Valley easily. Under Section 23 of FOISA, NHS Forth Valley has a legal duty to adopt and maintain a Publication Scheme for the publication of NHS Forth Valley information. The purpose of the Act is to promote greater openness by public authorities (of which NHS Forth Valley is one).

- **Formulation of the Scheme**

3. This Publication Scheme has been drawn up by the SEHD.
4. The specific Classes utilised in the Scheme take into account the considerable practical experience and knowledge. The Classes also incorporate, where it is still relevant, a number of the key areas from the Code of Practice on Openness in the NHS in Scotland published in 1995.
5. The Scottish Executive and all NHS Boards and Special Health Boards will be monitoring the operation and implementation of this Scheme. We will consider, when necessary and appropriate, the introduction of modifications to the Scheme to reflect public usage, comment and demand.

- Information Management
6. Information falling into the Classes will be retained in line with NHS Forth Valley's retention and disposal policies. Information not required for the current business purposes of NHS Forth Valley is stored:
 - a) at the offices of NHS Forth Valley
- Feedback
7. Each NHS Board/Special Health Board has designated a senior person who has overall responsibility for the Publication Scheme and handling requests. For NHS Forth Valley the contact is:

Freedom of Information Enquiries
 Information Governance Department
 NHS Forth Valley
 Central Supplies Building
 Colquhoun Street
 Stirling FK7 7PX
 Tel: 01786 433284
 Fax: 01786 451156
nhsfvfreedomofinformation@fvpc.scot.nhs.uk

8. If you have any questions, comments or complaints about the Scheme itself or how we operate this Scheme, please contact the Head of Information Governance who will advise you on how we will consider the issue you have raised.

Head of Information Governance
 Information Governance Department
 NHS Forth Valley
 Central Supplies Building
 Colquhoun Street
 Stirling FK7 7PX
 Tel: 01786 433286
 Fax: 01786 451156
deirdre.coyle@fvpc.scot.nhs.uk

9. If we are unable to resolve any complaint, you can complain to the Scottish Information Commissioner who oversees the Act and whose contact details are below. From 1 January 2005, a general right of access to information comes into force; there will be a formal appeal mechanism when information is withheld. Further details on this are available on the Commissioner's web site at www.itspublicknowledge.info.

Kevin Dunion OBE
 Scottish Information Commissioner
 Kinburn Castle
 Doubledykes Road
 St Andrews KY16 9DS
 Tel: 01334 464610
enquiries@itspublicknowledge.info

- Rights of Access to Information

10. As of 1 January 2005 the Act requires NHS Forth Valley to respond to requests about the information which it holds and is recorded in any form and it will create a general right of access to that information. The right to access this information is subject to certain exemptions listed in the Act which NHS Forth Valley has to take into consideration before deciding what information can be supplied.
11. The Act does not change the right of patients to protection of their right to confidentiality as a user of the services we provide in accordance with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Human Rights Act 1998, the Data protection Act 1998 and at common law. Maintaining the legal right to patient confidentiality continues to be an important commitment on our part.

- **Personal Information**

12. To help with the issue of personal information, we have appointed someone who is called a **Caldicott Guardian**, and who has responsibility to ensure the protection of patient confidentiality throughout NHS Forth Valley in accordance with your legal rights. In NHS Forth Valley our Caldicott Guardian is:

Dr Gareth Davies
Medical Director
NHS Forth Valley
Carseview House
Castle Business Park
Stirling FK9 4SW
Tel: 01786 457293
Fax: 01786 446327
gareth.davies@nhs.net

13. Under the Data Protection Act 1998 you are entitled, subject to some restrictions and requirements, to access your clinical records or any other personal information held about you and you can contact the undernoted to do this. There is usually a charge for providing this service.

Lead Data Protection Officer
Information Governance Department
NHS Forth Valley
Central Supplies Building
Colquhoun Street
Stirling FK7 7PX
Tel: 01786 433285
Fax: 01786 451156
nhsfvdataprotection@fvpc.scot.nhs.uk

- Environmental Information

14. Environmental Information regulations will be introduced in 2005. These will enable similar access to environmental information, as under FOISA.

PART TWO: THE CLASSES OF INFORMATION

15. The information is grouped into broad classes as follows:
- a. The NHS: Who We Are
 - b. Corporate Information/Governance
 - c. Financial Information
 - d. The Policy Framework for NHS Forth Valley
 - e. Improvement, Change and Innovation
 - f. Reports of Independent Assessments
 - g. Patient Focus/Public Involvement
 - h. Policies and Procedures
 - i. Complaints Procedures
 - j. Staff Governance
 - k. Press Releases
 - l. Public Health
 - m. Environmental Information
16. Information within each Class will be available via the website and/or as hard copies or other media. Information that is available via our web site may be removed after a period of 2 years. We will provide information in alternative formats where appropriate with the Disability Discrimination Act 1995.

Online: most of the information listed in our Publication Scheme is available from our website: <http://www.show.scot.nhs.uk/nhsfv>

By e-mail: if the information you request is not available on this website, but is listed in our Publication Scheme, we will send it to you by e-mail, wherever practicable.

By phone: information can be requested over the telephone. Please provide full contact details, including a telephone number, so that we can telephone to clarify any details, if necessary. Our contact telephone number is shown in paragraph 7 of this Publication Scheme.

By post: most information is also available in a paper copy form. Please address your request to the person named in paragraph 7 of this Publication Scheme. When requesting information, please include the following details: your name, address and telephone number, the information or documents you want to see and any fee applicable (see paragraph 17).

Personal visits: for some classes of information, you will need to make an appointment to view the information. Please contact, in the first instance, the individual named in paragraph 7 of this Publication Scheme.

If you have difficulty determining the information you want to see, please contact the individual named in paragraph 7 of this Publication Scheme.

- **Freedom of Information Charging Policy**

17. We will not charge for access to information available online or if it is sent to you by e-mail, floppy disk or CD. However, if printed copy is requested, this will be charged at 10p per page of copy. No charge will be levied for the provision of any promotional and advisory leaflets and related material unless they are published for sale, in which case the cover price will be indicated to you. On receipt of requests where a charge is to be levied, you will be advised of the total charge which will require to be paid prior to delivery of your requested information. This may include postage.

- **Exemptions and Non-Disclosure of Information**

18. We are committed to an open and transparent delivery of service whenever possible and it is our intention to publish information in our Publication Scheme that is in the public interest. We are committed to the communities we serve, delivering high quality services and improving health. We are conscious of the need to protect the physical and mental health of the individual and it must be recognised that certain information will not be disclosed, both in the public interest and based on various exemptions under FOISA.

19. Our aim is to be as open as possible. However, information may be withheld from any of the classes of information, where we consider that disclosure may seriously prejudice legal proceedings or our regulatory or enforcement activities, or where disclosure is otherwise prohibited by law. We may also withhold information which may seriously prejudice the commercial interests of any person or organisation and we will withhold information which is personal information under the Data Protection Act 1998.

20. We will, when appropriate, apply reasonable consideration to the exemptions afforded under the public interest test and absolute exemptions outlined in Section 2 of FOISA and aim to disclose information wherever possible.

21. In these cases, where we withhold the information, we will indicate the reasons for doing so. If you wish to complain about our decision to withhold information, please contact the person named in paragraph 9 of the Publication Scheme. If an exemption is claimed for a particular part of a document, access may still be given to the section(s) of the document not subject to exemption. Even if information is considered exempt under the Publication Scheme, requests for this information can be made after 1 January 2005.

PUBLICATION SCHEME CLASSES

Class (a) – The NHS: Who We Are

22. The information in this Class will be more detailed than that set out in paragraph 3 of this Publication Scheme (PS). This Class contains detailed information on the structure, organisation and responsibilities of NHS Forth Valley.

For example: organisational charts and diagrams; information on Board members and staff.

Class (b) – Corporate Information/Governance

23. This Class contains information on the corporate governance of NHS Forth Valley on the overall performance of the Board.

For example: Minutes of Board meetings and agenda papers submitted to Board meetings; Board Members Register of Interests; the NHS Forth Valley Annual Report; the letter from the Scottish Executive on the annual Accountability Review.

Class © - Financial Information

24. This Class contains information on the finances of NHS Forth Valley.

For example: annual audited accounts; external Auditors letter.

Class (d) – The Policy Framework for NHS Forth Valley

25. This Class contains information on the policies NHS Forth Valley and on the services provided, the standard/targets to be maintained and key performance indicators and certain information related to the costs of, and investment in, these services.

For example: Local Health Plans; approved Strategic Plan with local partners; service development/re-configuration plans and strategies; promotional/informational/advisory leaflets/brochures/pamphlets etc on the provision of services.

Class (e) – Improvement, Change and Innovation

26. This Class contains information on NHS Forth Valley's plans for changes to and innovations in the delivery of services.

For example: Clinical Effectiveness Reports; Service Re-design

Class (f) – Reports of Independent Assessments on NHS Forth Valley

27. This Class contains information on reports of independent assessments of NHS Forth Valley.

For example: reports by NHS Quality Improvement Scotland; Audit Scotland reports; reports by one or more of the Royal Colleges representing the medical profession.

Class (g) – Patient Focus/Public Involvement

28. This Class contains information on consultation procedures, timescales and how you can become involved. It also contains consultation documents/publications and details of the public responses to consultation.

For example: public consultation reports and publications, public responses to consultations.

Class (h) – Policies and Procedures

29. This Class contains information on the policies and procedures of NHS Forth Valley which are primarily, but not exclusively, focussed on the internal service delivery functions of the Board.

For example: health and safety policy; fire safety policy; infection control policy; and procurement policy.

Class (i) – Complaints Procedures

30. This Class contains information on the complaints procedures for NHS Forth Valley.

For example: complaints procedures; Ombudsman reports.

Class (j) – Staff Governance

31. This class contains information on the employment policies and procedures of NHS Forth Valley.

For example: annual Staff Survey results; Equal Opportunities; Bullying and Harassment; Declaration of Interests/Acceptance of Hospitality; Absence Management.

Class (k) – Press Releases

32. This Class contains information on our communications with the press and media.

For example: press releases and pres statements.

Class (l) – Public Health

33. This Class contain information on the health of the population we serve.

For example: Adult Health & Lifestyle Survey; Director of Public Health Annual Report.

Class (m) – Environmental Information

34. This Class contains information on the property we own/use and other environmental information.

For example: Register of property vested in the Scottish Ministers on behalf of the Board; information required to be placed in the public domain as a result of the Environmental Information Regulations, and Environmental Enforcement actions and associated information.

- Copyright

35. The material available through this Publication Scheme is subject to NHS Forth Valley 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 produced 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.

- Useful Resources

36. Websites:

www.itspublicknowledge.info

(This is the Scottish Information Commissioner's web site.)

www.scotland.gov.uk/government/foi

(This is the Scottish Executive's Freedom of Information web site.)

www.show.scot.nhs.uk

(This is the information provided by NHSScotland.)

www.foi.nhs.uk

(This is the NHS (England) Freedom of Information web site.)

www.ico.gov.uk

(This is the Information Commissioner's web site.)

37. Publications:

Freedom of Information (Scotland) Act 2002.

Code of Practice under Section 60 of FOISA.

Code of Practice under Section 61 of FOISA.

Code of Practice on Openness in the NHS in Scotland, 1995.