



# Item No: 8

Meeting Date: Wednesday 26<sup>th</sup> April 2017

## Glasgow City Integration Joint Board

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### FREEDOM OF INFORMATION REQUESTS SUBMITTED TO THE INTEGRATION JOINT BOARD 2016 - 17

<b>Purpose of Report:</b>	To inform the Integration Joint Board of the process for handling Freedom of Information requests submitted to the IJB and report on requests received to date and their disposition.
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<b>Recommendations:</b>	The Integration Joint Board is asked to:  a) note the contents of this report.
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#### Relevance to Integration Joint Board Strategic Plan:

Page 4 Describes The Integration Joint Board as a distinct legal entity. In that context it is subject to the provisions of The Freedom Of Information (Scotland) Act 2002 and must operate a process for dealing with relevant enquiries under that legislation.

#### Implications for Health and Social Care Partnership:

<b>Reference to National Health &amp; Wellbeing Outcome:</b>	There are no implication for any specific national health and wellbeing outcome.
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<b>Personnel:</b>	There are no direct personnel implications
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<b>Carers:</b>	There are no direct implications for carers
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<b>Provider Organisations:</b>	Provider organisations may be consulted where the Integration Joint Board is considering applying particular exemptions in respect of Freedom Of Information requests for example those potentially affecting the commercial interests of providers.
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<b>Equalities:</b>	There are no direct implications for equalities	
<b>Financial:</b>	A fees model may be applied to recovery of a proportion of costs of complying with requests above a certain threshold but in general there are no new financial implications arising from this report and compliance with requirements may be met from existing resources.	
<b>Legal:</b>	Failure to comply with a request within the relevant timescale of 20 working days is a breach of The Freedom Of Information (Scotland) Act 2002. The body of report addresses legal aspects more fully.	
<b>Economic Impact:</b>	There are no wider economic impacts in managing this process.	
<b>Sustainability:</b>	The process raises no issues of sustainability.	
<b>Sustainable Procurement and Article 19:</b>	There are no procurement implications.	
<b>Risk Implications:</b>	There is a reputational risk in failing to comply with the relevant legislative requirements. The process described in the report negates that risk.	
<b>Implications for Glasgow City Council:</b>	There are no direct implications for Glasgow City Council which manages its own entirely separate Freedom of Information handling process.	
<b>Implications for NHS Greater Glasgow &amp; Clyde:</b>	There are no direct implications for NHS Greater Glasgow and Clyde which manages its own entirely separate Freedom of Information handling process.	
<b>Direction Required to Council, Health Board or Both</b>	Direction to:	
	1. No Direction Required	✓
	2. Glasgow City Council	
	3. NHS Greater Glasgow & Clyde	
	4. Glasgow City Council and NHS Greater Glasgow & Clyde	

## 1. Background to process

- 1.1 The Integration Joint Board is required to comply with the [Freedom of Information \(Scotland\) Act 2002](#) and the [Environmental Information \(Scotland\) Regulations 2004](#) by making information it holds available to the public either on request or proactively via its Publication Scheme. The requirements of these separate legislative provisions are broadly similar. Environmental information regulations apply to specific categories of request relating to information about matters having a relevant environmental impact.

- 1.2 A process has been set out for handling both types of requests as specified on the Glasgow City Council Health and Social Care Partnership pages of the Glasgow City Council website: <https://www.glasgow.gov.uk/index.aspx?articleid=19223>. This includes a dedicated email address and a postal address to which requests may be submitted.
- 1.3 This process is accompanied by a publication scheme which notifies the public of material produced by and for The Integration Joint Board, also on the website: <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=32909&p=0>
- 1.4 If information is available under the publication scheme, there is no requirement to provide it in response to a specific request under the legislation. As set out in the publication scheme, most information held by the Integration Joint Board is already published on the website pages in the form of papers submitted to the Board and its subsidiary groups. As a consequence it is anticipated that few requests will require to be made under the legislation in order to access information formally held by the Integration Joint Board, rather than by Glasgow City Council or NHS Greater Glasgow and Clyde. Each of those bodies operate their own separate publication schemes and Freedom of Information request processes. Links for these are given on the IJB web page in order to assist the public to apply to the correct body through the correct process.
- 1.5 Rather than set up cumbersome new processes and information systems for what were anticipated to be very few requests, the task of dealing with Freedom of Information and Environmental Information requests was delegated to the Rights and Enquiries Team of Glasgow City HSCP which already deals with both Council (Social Work) and NHS requests relevant to the Partnership. A simple spreadsheet was set up to record requests.
- 1.6 In addition, The Scottish Information Commissioner, who is regulator for both sets of legislation, has established a web-based portal on which Scottish Public Authorities who are subject to the legislation may record, on a quarterly basis, the number of requests that they have received and the disposition of those requests. The Rights and Enquiries Team makes the relevant submission on behalf of the Integration Joint Board and these returns are currently up to date: <https://stats.itspublicknowledge.info/>
- 1.7 Failure to comply with a request to the satisfaction of the applicant may result in first review under the internal process: <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=32743&p=0> and then referral to The Scottish Information Commissioner who has the power to issue decisions, practice recommendations and enforcement notices compelling disclosure and levy fines for particular breaches of legislation.

## **2. Requests received 2016-17**

- 2.1 In the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 only three requests have been received. The requests in question were for the following material:
  - i. A list of the community organisations that were engaged to help develop the Participation and Engagement Strategy for the Integration Joint Board (June 2016)

- ii. The Integration Joint Board budget for the period 2016/2017 and the expected projected outturn for the period 2016/2017 (October 2016)
- iii. All correspondence either by email or post between the Glasgow City Health and Social Care Partnership and the Crown Office, in relation to proposals for a “safer injection facility” for drug addicts in Glasgow (November 2016)

2.2 The first of these was from a member of the public, the second from a Member of The Scottish Parliament and the third from the press. All requests were answered within timescale. For the first material was provided. The second was exempt as the information was already available through the publication scheme but it was nevertheless supplied as a courtesy. The third was exempt because the information was not held by the Integration Joint Board.

2.3 No review was sought in respect of the second and third requests. A review request was made in respect of the first request because the applicant was dissatisfied with the specificity and level of detail in the answer given. The request as unfortunately overlooked due to an administrative oversight leading to it being escalated to The Scottish Information Commissioner. However once the matter was brought to the attention of the Rights and Enquiries Team, the additional information was provided within 10 working days with a suitable apology. The Scottish Information Commissioner issued a decision notice finding a breach of timescales but made no enforcement or practice improvement requirement and the applicant sought no further review or information requests.

2.4 No further requests have been received since November 2016 and the process appears to be working as anticipated with interested parties accessing information through the website and publication scheme rather than by means of Freedom Of Information requests. We have to date received no requests at all under the Environmental Information Regulations.

### **3. Recommendations**

- 3.1 The Integration Joint Board is asked to:
- a) note the contents of this report.