

Weobley & Staunton on Wye Surgeries

FREEDOM OF INFORMATION ACT (FOI) POLICY

INTRODUCTION

The Freedom of Information (FOI) Act was passed in 2000 and replaces the Open Government Code of Practice that has been in place since 1994. The Act gives the public a general right of access to all types of recorded information held by public authorities. The Act came into full effect on the 1st January 2005.

The Act places a statutory obligation on all public bodies to publish details of **all** recorded information that they hold and to allow, with a few exceptions, the general public to have access to this information on request.

The practice recognises the importance of the Act and it will ensure that appropriate systems are put in place to publicise what recorded information is kept by the practice and how this information can be accessed on request by the general public.

THE FOI ACT

The main features of the Act are:

- a general right of access to information held by public authorities
- exemptions from the duty to provide information
- a requirement on public authorities to exercise discretion; they may have to disclose information even when exempt under the Act (the 'public interest test')
- arrangements in respect of costs and fees
- a duty on public authorities to adopt publication schemes
- arrangements for enforcement and appeal
- a duty to provide advice and assistance to people who wish to make, or have made requests for information
- Codes of Practice

The UK legislation is wholly retrospective and applies to all information held by public authorities regardless of its date.

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

The practice recognises its corporate responsibility under the Act to provide the general right of access to information held. The overall responsibility for this policy is with **Dr. Tom Moore**.

EMPLOYEE RESPONSIBILITIES

All employees will, through appropriate training and responsible management:

- observe all forms of guidance, codes of practice and procedures about the storage, closure, retention and disposal of documents and records
- be aware that ultimately the general public may have access to any piece of information held within the practice and must pay due regard to how they record information as part of their normal duties

- on receipt of an information request immediately notify the IG/FOI lead
- provide information promptly when requested from the IG/FOI lead
- understand that breaches of this Policy may result in disciplinary action, including dismissal

ORGANISATION RESPONSIBILITIES

The practice will:

- Comply with the FOI Act and sees it as an opportunity to enhance public trust and confidence in the practice
- Ensure that there is always one person with overall responsibility for FOI. Currently this person is **Dr. Tom Moore**.
- Maintain a comprehensive 'Publication Scheme' that provides information which is readily accessible without the need for a formal FOI Act request.
- Seek to satisfy all FOI Act requests promptly and within 20 working days. However, if necessary we will extend this timescale to give full consideration to a public interest test. If we do not expect to meet the deadline, we will inform the requester as soon as possible of the reasons for the delay and when we expect to have made a decision
- Continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 1998
- Provide advice and assistance to requesters to facilitate their use of FOI Act. We will publish our procedures and assist requesters to clarify their requests so that they can obtain the information that they require.
- Work with the Clinical Commissioning Group, NHS England, the local Area Team and other bodies with whom we work to ensure that we can meet our FOI Act obligations, including the disclosure of any information that they hold on our behalf.
- Apply the exemptions provided in the FOI Act and, where qualified exemptions exist, the practice will disclose the information unless the balance of public interest lies in withholding it.
- Consult with third parties before disclosing information that could affect their rights and interests. However, according to the FOI Act, the practice must take the final decision on disclosure
- Charge for information requests in line with the FOI Act fees regulations or other applicable regulations, including the Data Protection Act 1998
- Record all FOI Act requests and our responses and will monitor our performance in handling requests and complaints
- Ensure that all staff are aware of their obligations under FOI Act and will include FOI Act education in the induction of all new staff

MODEL PUBLICATION SCHEME

A Practice must publish information proactively.

This is known as a "Publication Scheme" and must set out the Practice's commitment to making certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information.

A “Model Publication Scheme” for General Practices has been developed by the Information Commissioner’s Office (ICO) and MUST be followed.

Its 7 “Classes” and their respective content is summarised on the following page.

This scheme commits a Practice:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Practice and falls within the “Classes of Information” described overleaf.
- To specify the information which is held by the Practice and falls within the “Classes of Information” described overleaf.
- 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 Practice 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.

The ICO has produced the following Model Publication Scheme specifically for General Practice:

Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) - This will be current information only
Doctors in the Practice
Contact details for the Practice (named contacts where possible with telephone number and email address (if used))
Opening hours
Other staffing details
Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) - Current and previous financial year as a minimum
Total cost to the PCO / LHB / HSSB of the Practice’s Contracted Services.
Audit of NHS income
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current and previous year as a minimum.
Plans for the development and provision of NHS services
Class 4 – How we make decisions (Decision making processes and records of decisions) - Current and previous year as a minimum
Records of decisions made in the practice affecting the provision of NHS services
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering services and responsibilities) Current information only.
Policies and procedures about the employment of staff
Internal instructions to staff and policies relating to the delivery of services
Equality and diversity policy
Health and safety policy

Complaints procedures (including those covering requests for information and operating the publication scheme)
Records management policies (records retention, destruction and archive)
Data protection policies
Policies and procedures for handling requests for information
Patients' charter
Class 6 – Lists and Registers Currently maintained lists and registers only.
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)
Class 7 – The services the Practice offers (Information about the services offered, including leaflets, guidance and newsletters produced for the public) - Current information only.
The services provided under contract to the NHS
Charges for any of these services
Information leaflets
Out of hours arrangements

Fees should be requested only where this is done in accordance with ICO guidance.

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.

The Publication Scheme must always be available in hard copy format but the FOI Act states: "Where it is within the capability of a Practice, information will be provided on a website".

Where a Practice has decided not to make their Publication Scheme available on their website and only produce it in hard-copy format, the Practice must still list on their website the Classes of information in their Publication Scheme and provide contact details so people can make a request to obtain it. The Practice should provide this promptly on request.

The Practice must publicise the fact that the Publication Scheme is available to the public, what is covered by the Scheme and how it can be obtained, by promoting this prominently on the Practice notice board, or in any other way the Practice normally communicates with the public.

In exceptional circumstances certain information may only be available by viewing in person (e.g. copy of a large map). Such circumstances must be specified and most appropriate contact details provided. The appointment to view this information must be arranged within a reasonable timescale.

The Publication Scheme will be provided in the language in which it is held or in such other language that is legally required. Where a Practice is legally required to translate any information, it must do so.

The Practice must also adhere to its obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats when providing information in accordance with this scheme.

CHARGES WHICH MAY BE MADE FOR INFORMATION PUBLISHED UNDER THIS SCHEME

Because 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 Practice for routinely published material must be justified, 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 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 and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, the Practice must confirm the amount of payment due before the information is provided and can request payment prior to providing the information.

RESPONDING TO WRITTEN REQUESTS

As well as responding to publishing information proactively via the “Model Publication Scheme”, a Practice must also respond to requests for information.

Information held by a Practice that is not published under the “Model Publication Scheme” can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

VALID REQUESTS

To be valid under the Act, the request:

- Must be in writing. This could be a letter or email from anywhere in the world. Requests can also be made via the web, or even on social networking sites such as Facebook or Twitter if a Practice uses these;
- Can be made to any member of staff and does not have to refer to the Freedom of Information Act;
- Must include the requester’s real name. The Act treats all requesters alike, so the Practice should not normally seek to verify the requester’s identity. However, the Practice may decide to check their identity if it is evident they are using a pseudonym or if there are legitimate grounds for refusing their request and it is suspected they are trying to avoid this happening, for example because their request is vexatious or repeated.
- A request can be made in the name of an organisation, or by one person on behalf of another, such as a solicitor on behalf of a client but must;
- Include an address for correspondence. This need not be the person’s residential or work address – it can be any address at which they can be written to, including a postal address or email address;
- Describe the information requested. The Act covers information not documents, so a requester does not have to ask for a specific document (although they may do so). They can, for example, ask about a specific topic and expect the Practice to gather the relevant information to answer their enquiry.
- A question can be a valid request for information.

RESPONDING TO REQUESTS FOR INFORMATION

The Practice can deal with many requests by providing the requested information in the normal course of business. If the information is included in the “Model Publication Scheme” (see above), this should be given out automatically or a link provided to where the information can be accessed.

In the event that a request needs to be dealt with more formally, it is important to identify the relevant legislation:

- If the person is asking for their own personal data, this should be dealt with as a subject access request under the Data Protection Act.

- If the person is asking for 'environmental information', the request is covered by the Environmental Information Regulations 2004.
- Any other non-routine request for information held by the Practice should be dealt with under the Freedom of Information Act.

A Practice has two separate duties when responding to FoI requests:

- To tell the applicant whether it holds any information falling within the scope of their request; and
- To provide that information.

A Practice normally has 20 working days to respond to a request, counting the first working day after the request is received as the first day.

Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays; this may or may not be the same as the days the Practice is open, or staff are in work.

The time allowed for complying with a request starts when the Practice receives it, not when it reaches the Freedom of Information Officer or other relevant member of staff.

Upon receipt of the request, it should be read carefully and objectively to make sure what is being asked for is clearly identified. It is recommended the applicant is contacted to verify that their request has been correctly understood.

If a request is considered to be ambiguous, with many potential interpretations, or has no clear meaning at all, the requester must be contacted as soon as possible for clarification.

In this event, consideration must also be given as to whether the requester can be given advice and assistance to enable them to clarify or rephrase their request (e.g. an explanation of the options available to them and identifying whether any of these would adequately answer their request).

The time for compliance will not begin until the Practice has received the necessary clarification to allow the request to be answered.

The Act only covers recorded information held by the Practice and does not include any information that is not held, is held for other purposes or would be exempt from release.

When compiling a response to a request for information, it may be necessary to draw from multiple sources of information held by the Practice.

If the relevant information does not exist in recorded form or has to be found from elsewhere, the Practice can comply with the request by advising the requester of this, in writing. However, adequate and properly directed searches must have been carried out to ensure convincing reasons exist for concluding that no recorded information is held.

If it is known that the information is held by another "Authority", the request could be transferred to them or the requester advised to redirect their request.

If a requester complains to the ICO that the Practice has not identified all the information it holds, the ICO will consider the scope, quality and thoroughness of the searches and test the strength of reasoning and conclusions.

FURTHER GUIDANCE:

The guidance contained in the above summary can be supplemented by accessing any of the following 3 Sections Information Commissioner's Office Website.

http://www.ico.gov.uk/for_organisations/freedom_of_information.aspx

This Section explains a Public Authority's obligations under the Act, answers many frequently asked questions and gives practical examples to illustrate how to apply the Act in practice.

http://www.ico.gov.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information.aspx

This Section provides detailed guidance for organisations, including:

Advice and assistance	Environmental information - general	MPs' correspondence	Records management
Codes of practice	Exceptions - environmental	The prejudice test	Refusing a request
Confirm or deny	Exemptions - freedom of information	Property searches	Request handling
Costs and fees	Freedom of information - general	Public interest test	Time for compliance
Deceased people	Higher education	Publication schemes	Vexatious or repeated requests
Destroying information	Holding information	Publicly owned companies	

http://www.ico.gov.uk/for_organisations/freedom_of_information/internal_guidance.aspx

This Section contains the ICO's internal FoI knowledge base (ICO intranet site), which gives the ICO's position on many of the issues it deals with.

It also contains sample questions that are asked of Public Authorities.

Confidentiality Notice

This document and the information contained therein is the property of **The Weobley & Staunton-On-Wye Surgeries**. This document contains information that is privileged, confidential or otherwise protected from disclosure. It must not be used by, or its contents reproduced or otherwise copied or disclosed without the prior consent in writing from **The Weobley & Staunton-On-Wye Surgeries**.

Document Revision and Approval History

Version	Date	Version Created By:	Version Approved By:	Comments
1.0	24.08.14	Michele Petrie	Michele Petrie	
2.0	13.01.16	Michele Petrie	Michele Petrie	Information update
2.0	15.02.18	Michele Petrie	Michele Petrie	Reviewed – no changes
3.0	11.07.19	Michele Petrie	Michele Petrie	Update of Partnership Information



Guide to Information provided by GPs under the model publication scheme

Under the Freedom of Information Act 2000 all public authorities are required to have and operate a publication scheme approved by the Information Commissioner. Doctors providing medical services under most contracts with the NHS in England, Wales and Northern Ireland are public authorities in respect of information relating to those services.

It is the intention of the Information Commissioner that all public authorities should adopt and operate the one model scheme that has been approved. This is a very general scheme based on the principal that all public authorities need to recognize the public interest in the transparency of the services provided for and paid for by the general public. It is a commitment to make information easily available to the public.

Note: The scheme is only for information held as a public authority and does not include any information that is not held, is held for other purposes or would be exempt from release.

The scheme requires three documents to be considered:

- the model scheme itself;
- our guidance on adopting and operating the scheme; and,
- a guide provided by the public authority indicating what information will be provided, how it will be provided and whether any charge will be made for its provision.

To assist medical practitioners who are public authorities we have produced the outline of a guide for their use. They should consider expanding elements of it to provide greater explanation and additional information where this can be done. For example if there are specific plans for the provision of NHS services these could be detailed. It is not necessary to submit the guide completed by the practice for approval.

We recognize that it is unlikely that GPs are going to have registers available for public inspection and while this remains the case “None Held” can be entered in this section. Under policies and procedures we have listed the policies we would expect practices to have. Again if this is not the case, “Not held” can entered in the relevant part. Any additional policies should also be listed. Fees should be requested only where this is done in accordance our guidance.

Information available from Weobley & Staunton on Wye Surgeries under the Freedom of Information Act model publication scheme

Information covered by this scheme is only about the primary, general or personal medical services we provide under contract to the National Health Service.

INFORMATION TO BE PUBLISHED	HOW THE INFORMATION CAN BE OBTAINED	COST
Class1 - Who we are and what we do		
The Practice provides General Medical Services for patients who live in the villages of Weobley and Staunton on Wye and the surrounding areas. We contract to NHS England Area Team (Arden, Herefordshire & Worcestershire) and Herefordshire Clinical Commissioning Group.	Practice Leaflet & Website	Free
Doctors in the Practice Dr. Robert Sykes, Dr. Ritesh Dua, Dr. Tom Moore, Dr. Holly Vaughan & Dr. Ella Mouskoidou	Practice Leaflet & Website	Free
Contact details for the Practice Michele Petrie (Practice Manager) Weobley & Staunton on Wye Surgeries Gadbridge Road, Weobley, Herefordshire. HR6 8UD Telephone: 01544 318472	Practice Leaflet & Website	Free

<p>Opening hours</p> <p>Weobley</p> <table border="0"> <tr> <td>Monday</td> <td>8.30-1.00</td> <td>2.45-6.00</td> </tr> <tr> <td>Tuesday</td> <td>8.30-1.00</td> <td></td> </tr> <tr> <td>Wednesday</td> <td>8.30-1.00</td> <td></td> </tr> <tr> <td>Thursday</td> <td>8.30-1.00</td> <td>2.45-6.00</td> </tr> <tr> <td>Friday</td> <td>8.30-1.00</td> <td>2.45-6.00</td> </tr> </table> <p>Staunton</p> <table border="0"> <tr> <td>Monday</td> <td>8.30-1.00</td> <td></td> </tr> <tr> <td>Tuesday</td> <td></td> <td>2.45-6.00</td> </tr> <tr> <td>Wednesday</td> <td>8.30-1.00</td> <td>2.45-6.00</td> </tr> <tr> <td>Thursday</td> <td>8.30-1.00</td> <td></td> </tr> <tr> <td>Friday</td> <td>8.30-1.00</td> <td></td> </tr> </table>	Monday	8.30-1.00	2.45-6.00	Tuesday	8.30-1.00		Wednesday	8.30-1.00		Thursday	8.30-1.00	2.45-6.00	Friday	8.30-1.00	2.45-6.00	Monday	8.30-1.00		Tuesday		2.45-6.00	Wednesday	8.30-1.00	2.45-6.00	Thursday	8.30-1.00		Friday	8.30-1.00		Practice Leaflet & Website	Free
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<p>Other staffing details</p> <p>Practice Manager – Michele Petrie Assistant Practice Manager – Suzi Cox Dispensary Manager – Gill Gane Practice Nurse – Jo Jones & Sophie Hodge We also employ two Health Care Assistants, housekeeping, administrative, secretarial and reception staff in addition to a team of Dispensers and Dispensary Assistants Attached staff includes District Nurses, Health Visitors, Midwives, Counsellors, Physiotherapist, Dementia Worker and Healthy Lifestyle Co-Ordinator.</p>	Practice Leaflet & Website	Free																														

Class 2 – What we spend and how we spend it		
<p>Drs. Sykes, Dua and Moore contract with NHS England and Herefordshire Clinical Commissioning Group to provide General Medical Services to patients. The Practice can provide details of the total income received from both NHS England and Herefordshire CCG for the main categories of income.</p> <p>The total amount of practice funding received from NHS England and Herefordshire CCG before expenses in 2013/14 was £</p> <p>There may be circumstances where material cannot be released because it is confidential or commercial information or the appropriate officer designated for these purposes under the Act has taken the view that it may be prejudicial to the conduct of the Practices affairs</p>	Hard copy by request from the Practice Manager	Free
Class 3 – What our priorities are and how we are doing		
The Practice priority is to provide the highest standard of clinical care to patients registered with the Practice, working collaboratively with other healthcare providers and support organisations, to enable more patients to be treated in a primary care setting, closer to home.		
Regular audits/contract monitoring and inspections takes place by Herefordshire CCG and CQC periodically.	Hard copy request from Herefordshire CCG and via the CQC website	★
Plans for development and provision of NHS services are detailed in our Practice Development Plan	Hard copy by request from Practice Manager	★
Our performance under the Quality and Outcomes Framework (QoF) can be		

found on the NHS IC website: http://www.qof.ic.nhs.uk/search.asp	Website	Free
NHS Choices website provides details of our performance, and what patients think of us from the Patient Satisfaction Questionnaire carried out annually www.nhschoices.nhs.uk	Website	Free
Our performance can also be found on the Primary Care Web Tool https://www.primarycare.nhs.uk/default.aspx	Website	Free
Class 4 – How we make decisions		
Management policies are formulated at regular Partners meetings. Decisions are recorded in minutes. These are available on request (any information which is commercially sensitive or falls under the Data Protection Act is excluded)	Hard copy by request from Practice Manager	★
Records of decisions made in the practice affecting the provision of NHS services	Hard copy by request from Practice Manager	★
Class 5 – Our policies and procedures		
Policies and procedures about the employment of staff	Hard copy by request from Practice Manager	★
Internal instructions to staff and policies relating to the delivery of services	Hard copy by request from Practice Manager	★
Equality and Diversity policy	Hard copy by request from Practice Manager	★
Health and Safety policy	Hard copy by request from	★

	Practice Manager	
Complaints procedures (including those covering requests for information and operating the publication scheme)	Website or copy from Reception	Free
Records Management Policies (records retention, destruction and archive)	Hard copy by request from Practice Manager	★
Data Protection Policies	Hard copy by request from Practice Manager	★
Policies and Procedures for handling requests for information	Hard copy by request from Practice Manager	★
Patients' Charter	Practice Leaflet and Website	Free
Class 6 – Lists and Registers		
Currently maintained lists and registers only	Not held	
Any publicly available register or list	Not held	
Class 7 – The services we offer		
Current information only	Practice Leaflet and Website	Free
The services provided under contract to the NHS include the following: Baby Clinic with Health Visitor Cervical Cytology Child Health Surveillance	Practice Leaflet and Website	Free

<p>Contraceptive Services Counselling Chronic Disease Management clinics Flu Clinics Immunisations Maternity Services (with midwife) Minor Surgery Physiotherapy</p> <p>Enhanced Services</p> <p>These are NHS services not provided through Essential or Additional services. They include more specialised services undertaken by GPs or nurses with special interests and allied health professionals and other services at the primary-secondary care interface. They may also include services addressing specific local health needs or requirements and innovative services that are being piloted and evaluated.</p> <p>The following services involve information sharing with other agencies: child protection, general nursing, mental health, referral to secondary care, social services, transport</p>	<p>Hard copies by request from Practice Manager</p>	<p>★</p>
<p>Information leaflets</p> <p>Practice Leaflet Complaints Procedure Advance Directives Child Safeguarding Fees & Charges Freedom of Information Information Sharing Patient Access to Medical Records</p>		<p>Free Free Free Free Free Free Free Free</p>

Out of hours arrangements Provided by NHS 111 from 6.00 pm until 8 am and all weekend and Bank Holidays		Free

* = Charges for Provision of Information

USEFUL RESOURCES

www.informationcommissioner.gov.uk

Website of the Information Commissioner

www.lcd.gov.uk

Website of the Lord Chancellor's Department

www.foi.nhs.uk

Website for NHS Freedom of Information

PUBLICATIONS

FOI Act 2000 – www.hmso.gov.uk/acts/acts2000/20000036/htm

Code of Practice under Section 45 FOI Act 2000 – www.lcd.gov.uk

Code of Practice under Section 46 FOI Act 2000 – www.lcd.gov.uk

General Medical Services Contract Documentation