



FREEDOM OF INFORMATION

Publication Scheme for NHS Borders



**NHS FREEDOM OF INFORMATION
MODEL PUBLICATION SCHEME FOR NHS BOARDS AND SPECIAL HEALTH
BOARDS**

Welcome to NHS Borders Publication Scheme. The Publication Scheme is in 2 parts, as follows:

- PART ONE: Introduction and Background Information**
PART TWO: The Classes of Information



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. This Publication Scheme covers the 15 NHS Boards and the 8 Special Health Boards in Scotland.

NHS Boards

Argyll & Clyde
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

- **Pen pictures of NHS Boards and Health Boards**

NHS Boards

3. (a) 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 allocating resources to address local priorities in accordance with a Board's strategic objectives and the performance management of the local health system.

(b) Borders NHS Board is the strategic management unit for NHS Borders, providing health care to the people of the Scottish Borders. There are approximately 106,300 people living in the Borders in rural settlements and small towns.

NHS Borders provides inpatient and outpatient services at 7 community hospitals and at the Borders General Hospital. Accident and emergency services are provided at the Borders General Hospital and at 6 minor injury units based in community hospitals.

There are 23 GP practices in the Borders. These are managed by 2 Local Health Care Co-operatives, Borders Central LHCC and Borders West LHCC.

The Clinical Executive is the strategic management function for clinical services. Clinical services are defined as primary care, secondary care and mental health and learning difficulties. Each sector is managed by General Managers reporting directly to the Clinical Executive.

- **What is a Publication Scheme?**

4. The Freedom of Information (Scotland) Act 2002 (the FOI Act) 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.

5. This Publication Scheme is made under the Freedom of Information (Scotland) Act 2002 and is a guide to the information routinely published by NHS Borders. The Publication Scheme will help you to find all the information which NHS Borders publishes. It is organised into a series of 14 Classes (paragraph 21) and the information is encompassed within the Classes (paragraphs 28-40). It is a description of the information held by NHS Borders 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 a route map so that you can find information about NHS Borders easily. Under Section 23 of the Freedom of Information (Scotland) Act 2002, NHS Borders has a legal duty to adopt and maintain a Publication Scheme for the publication of NHS Borders information. The purpose of the Act is to promote greater openness by public authorities (of which NHS Borders is one).



- **Formulation of the Scheme**

6. This Publication Scheme has been drawn up by the Scottish Executive Health Department. To help in this process a Working Group of representatives with FOI responsibilities from all NHS Boards and Special Health Boards (SHBs) was set up. This Working Group has met regularly and has been extensively involved in developing and drawing up this Scheme.

7. The specific Classes utilised in the Scheme take into account the considerable practical experience and knowledge of the FOI Working Group. The Classes also incorporate, where this is still relevant, a number of the key areas from the Code of Practice on Openness in the NHS in Scotland published in 1995.

8. It has not been possible to consult with the public in relation to this Publication Scheme for NHS Borders. Consultations will be part of NHS Borders ongoing commitment to openness and transparency and to implementing the Patient Focus/Public Involvement policy approach. Your comments will be welcomed and will help us to revise and update our Scheme. Please send any comments you may have to the contact set out in paragraph 12 of this Scheme.

9. The Scottish Executive, the FOI Working Group and all NHS Boards and Special Health Boards will be closely 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**

10. Information falling into the Classes will be retained in line with the NHS Borders retention and disposal policies. Information not required for the current business purposes of NHS Borders is stored at the offices of NHS Borders, Newstead, Melrose, TD6 9DB and at Borders General Hospital, Melrose, TD6 9BS.

- **Feedback**

11. Each NHS Board/Special Health Board has designated a senior person who has overall responsibility for the Publication Scheme. For NHS Borders this person is:

Robbie Pearson
Director of Corporate Management and Performance
NHS Borders
Newstead
Melrose
TD6 9DB



Telephone: 01896 825514

Fax: 01896 825580

12. If you have any questions, comments or complaints about the Scheme itself or how we operate this Scheme, please contact the FOI contact below at NHS Borders who will advise you on how we will consider the issue you have raised.

Deborah Adams
Corporate Services Manager
NHS Borders
Newstead
Melrose
TD6 9DB
Telephone: 01896 825520
Fax: 01896 825580

13. 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 will be available on the Commissioner's web site at www.itspublicknowledge.info before this date.

Kevin Dunion OBE
Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
ST ANDREWS
Fife KY16 9DS

Tel: 01334 464610

E-Mail: enquiries@itspublicknowledge.info



- **Rights of Access to Information**

14. Until 1 January 2005, in addition to accessing the information identified in this Publication Scheme, you are entitled to request information about NHS Borders under the Code of Practice on Openness in the NHS in Scotland. Copies are available, free of charge, from the Scottish Executive Health Department, St Andrew's House, Edinburgh EH1 3DG or from the person listed in paragraph 12 above. Sometimes some or all of the information cannot be provided and we will explain the reasons why not when this happens.

15. From 1 January 2005 the FOI Act will also oblige NHS Borders 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 FOI Act which NHS Borders has to take into consideration before deciding what information can be supplied.

16. The FOI 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**

17. 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 Borders in accordance with your legal rights. In NHS Borders our Caldicott Guardian is:

Dr Andrew Riley
Director of Public Health
NHS Borders
Newstead
Melrose
TD6 9DB
01896 825560

18. Under the Data Protection Act 1998 you are also entitled, subject to some restrictions and requirements, to access your clinical records or any other personal information held about you and you can contact Dave Arkless, Data Protection Lead, NHS Borders, Newstead, Melrose, TD6 9DB, to do this.

- **Environmental Information**



19. New Environmental Information Regulations are also likely to be introduced from 2005. These will enable similar access to environmental information, as under the FOI Act.



PART TWO: THE CLASSES OF INFORMATION

20. 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 Borders.
- (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.

21. Information within each Class will be available via the web site and/or as hard copies or other media. Information which is available via our web site may be removed after a period of one year. We will provide information in alternative formats on request to comply with the Disability Discrimination Act 1995.

Online: most of the information listed in our publication scheme is available from our website at www.nhsborders.org.uk.

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 12 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 12 of this Publication Scheme. When requesting information, please include the following details: your name and address and telephone number, the information or documents you want to see and any fee applicable (see paragraph 22).

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 person named in paragraph 12 of this Publication Scheme.

If you have difficulty determining the information you want to see, please contact the person named in paragraph 12 of this Publication Scheme.

- **Charging Policy**

22. 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. The person named in paragraph 12 has the discretion to waive any charge.

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

23. 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 health 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 the Freedom of Information (Scotland) Act 2002.

24. Our aim is to be as open as possible. However, information may be withheld from any of the classes of information listed below, 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.

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



26. 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 12 of this 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.

Class (a) – The NHS: Who We Are

27. 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 Borders.

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

Class (b) – Corporate Information/Governance

28. This Class contains information on the corporate governance of NHS Borders and 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 Borders Annual Report; the letter from the Scottish Executive on the annual Accountability Review.

Class (c) - Financial Information

29. This Class contains information on the finances of NHS Borders.

For example: annual audited accounts; external Auditors letter.

Class (d) - The Policy Framework for NHS Borders

30. This Class contains information on the policies of NHS Borders and on the services provided, the standards/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 Plans 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

31. This Class contains information on NHS Borders plans for changes to, and innovations in, the delivery of services.



For example: NHS Change and Innovation Plans.

Class (f) - Reports of Independent Assessments on NHS Borders

32. This Class contains information on reports of independent assessments of NHS Borders.

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

33. 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

34. This Class contains information on the policies and procedures of NHS Borders 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

35. This Class contains information on the complaints procedures for NHS Borders.

For example: complaints procedures; Ombudsman reports.

Class (j) – Staff Governance

36. This Class contains information on the employment policies and procedures of NHS Borders.

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

Class (k) – Press Releases

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

For example: press releases and press statements.



Class (1) – Public Health

38. This Class contains information on the health of the population we serve.

For example: Aids Control Act report; Director of Public Health Annual Report.



Class (m) – Environmental Information

39. 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**

40. The material available through this Publication Scheme is subject to the NHS Borders 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.

- **Useful Resources**

41. Websites:

www.itspublicknowledge.info

(This is the Scottish Information Commissioner's website.)

www.scotland.gov.uk/government/foi

(This is the Scottish Executive's FOI website.)

www.show.scot.nhs.uk

(This is information provided by NHSScotland.)

www.foi.nhs.uk

(This is the NHS (England) Freedom of Information website.)

42. Publications:

FOI (Scotland) Act 2002.

Code of Practice under Section 60 of the FOI (Scotland) Act 2002.

Code of Practice under Section 61 of the FOI (Scotland) Act 2002.



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