

## Freedom of Information Act 2000

### Definition Document for Health Bodies in England (this will include all NHS trusts, Clinical Commissioning Groups and Special Health Authorities)

This guidance gives examples of the kinds of information we would expect health bodies in England to provide in order to meet their requirements under the model publication scheme.

We would expect these bodies to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the health body or on its behalf. The health body must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and authorities should look to provide as much information as possible on a routine basis.

It is recognised that this document covers a wide range of organisations which carry out different functions. However, the information they hold will fall under the same headings.

## Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance](#) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

### Who we are and what we do

Organisational information, structures, locations and contacts.

We would expect information in this class to be current information only.

- **How we fit into the NHS structure**

Given the nature of the NHS it is expected that information will be provided that explains how the organisation fits into the local and/or national NHS structure. Both outline and detailed information about the role and responsibilities of the authority should be provided.

- **Organisational structure**

Corporate governance information including details of board or governing body members and other key personnel. This will also include an explanation of the internal structure of the authority and how the structure relates to roles and responsibilities. For CCGs, this will also include details of the general practices who are members of the CCG.

- **Lists of and information relating to key organisations with which the authority works in partnership**

It is expected that this information need be only sufficient for the purposes of identifying the relationship between these bodies and the authority.

- **Meetings with pharmaceutical companies and other medical suppliers**

We would expect as a minimum that this information should include the name of the company, the date and, if appropriate, the name of the member (s) of staff attending (if recorded), together with a general indication of the category of meeting, for example marketing or promotion. The names of staff attending should include any senior managers and any medically qualified staff if this information is recorded.

- **Senior executives and management board/governing body members**

Identification of, responsibilities of and biographical details of those making strategic and operational decisions about the provision of the authority's services. Any biographical details that are not work related should be published only with consent.

- **Location and contact details for all public-facing departments**

If possible, named contacts should be given in addition to contact phone numbers and email addresses.

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

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

We would expect as a minimum that financial information for the current and previous financial year should be available. We would expect information to be available not only for the authority as a whole but also, where appropriate, for directorates or departments as cost units.

- **Financial statements, budgets and variance reports**

In conjunction with annual accounts, financial information in sufficient detail to allow the public to see where money is being

spent, where it is or has been planned to spend it and the difference between one and the other.

Financial information should be published at least annually and, where practical, we would also expect half yearly or quarterly financial reports to be provided. Revenue budgets and budgets for capital expenditure should be included.

Details of items of expenditure over £30,000, including costs, supplier and transaction information (monthly).

- **Financial audit reports**
- **Capital programme**

Information should be made available on major plans for capital expenditure including any public-private partnership contracts.

- **Staff and Board members' allowances and expenses**

Details of the allowances and expenses that can be incurred or claimed. It should include the total of the allowances and expenses paid to individual senior staff and management board or governing body members by reference to categories. These categories should be produced in line with the authority's policies, practices and procedures and must at least include travel, subsistence and accommodation. For the purpose of this document, "senior staff" means staff whose basic salary is at Band 8D or equivalent or above.

- **Staff pay and grading structures**

This may be provided as part of the organisational structure and should, as a minimum, include senior staff salaries. The salaries should be stated in bands of £5,000. For more junior staff, levels of pay should be identified by salary range.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.

- **Funding (including endowment funds)**
- **Procurement and tendering procedures**

Details of procedures used for the acquisition of goods and services.

- **Details of contracts currently being tendered**

This will include OJEC adverts and other contracts currently available for public tender.

- **List and value of contracts awarded**

We would normally only expect the authority to publish details of contracts, invitations to tender and procurement frameworks that exceed £30,000, for example value of contract, summary of contract and identity of parties.

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

Strategies and plans, performance indicators, audits, inspections and reviews.

- **Annual Report**
- **Annual business and/or commissioning plan**
- **Targets, Aims and Objectives**
- **Strategic Direction document (5 year plan)**
- **Performance against targets (KPI)/performance framework / performance management information**
- **Reports by regulatory organisations e.g. Care Quality Commission and NHS England**
- **Audit reports delivered at board/governing body level**

This will include reports on clinical and corporate governance.

- **Service User Surveys**
- **Privacy impact assessments (in full or summary format)**

### **How we make decisions**

Decision making processes and records of decisions.

We would expect information in this class to be available for at least the current and previous three years.

- **Board papers – agenda, supporting papers and minutes**

We would expect management board/governing body minutes and the minutes of similar meetings, such as board committees, where decisions are made about the provision of services, excluding material that is properly considered to be private, to be readily available to the public.

- **Patient and public engagement strategy**

- **Public consultations (for example, concerning closures/ variations of services)**

Details of consultation exercises with access to the consultation papers or information about where the papers can be obtained. The results of consultation exercises.

- **Internal communications guidance and criteria used for decision making i.e. process systems and key personnel**

Where access to internal instructions, manuals and guidelines for dealing with the business of the authority would assist public understanding of the way decisions are made these should be readily available. We would not expect information that might damage the operation of the authority to be revealed.

### **Our policies and procedures**

Current written protocols, policies and procedures for delivering our services and responsibilities.

- **Policies and procedures relating to the conduct of business and the provision of services**

Procedures for handling requests for information should be included.

- **Health and Safety**
- **Policies and procedures relating to human resources including recruitment and employment policies**
- **Equality and Diversity policies and Equality Scheme**

This will include policies, statements, procedures and guidelines relating to equality and diversity.

Codes of practice, memoranda of understanding and similar information should be included. A number of policies, for example equality and diversity, and health and safety, will cover both the provision of services and the employment of staff. A policy for outside business interests of senior employees and staff would be both a policy for the conduct of business and an employment policy. If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

Where procedures are developed in combination with other public authorities, these should also be available.

- **Standing financial procedures/instructions**

- **Standing orders**
- **Complaints and other customer service policies and procedures**

Standards for providing services to the authority's customers, including complaints procedures. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Data protection / records management/ Caldicott Guardian**

This will include information security policies, high level file plans (or any other Business Classification Scheme used for the management of information), records retention, destruction and archive policies, data protection (including data sharing) and patient confidentiality policies.

- **Estate management**
- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published and clearly state what costs are to be recovered together with the basis on which they are made and how they are calculated.

If the public authority charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

### **Lists and registers**

We expect this to be information contained only in currently maintained lists and registers.

- **Any information the authority is currently legally required to hold in publicly available registers**
- **List of main contractors / suppliers**
- **Asset registers**

We would not expect organisations to publish all details from all asset registers. We would, however, expect the location of public

land and building assets and key attribute information that is normally recorded on an asset register to be available, along with some other information from capital asset registers.

- **Information Asset Register**

If the authority has prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, it should publish the contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the authority. The authority should decide on the level of detail which is appropriate. This could be by building or more general geographic locations, such as postcodes or partial postcodes, depending on the security issues raised.

- **Any register of interests kept in the authority**
- **Register of Gifts and Hospitality provided to Board members and senior personnel**
- **Disclosure Log**

Where a disclosure log is produced indicating the information that has been provided in response to FOI requests it should be readily available. Disclosure logs themselves are recommended as good practice.

### **The services we offer**

Information about the services we offer, including leaflets, guidance and newsletters.

In general, this will be an extension of the first class of information, 'Who we are and what we do', as it will detail the services that the organisation provides. The starting point would normally be a list or lists of the services that fall within the responsibility of the organisation, linked to details of those services.

- **Clinical services provided and/or commissioned**
- **Non-clinical services**
- **Services for which the authority is entitled to recover a fee together with those fees**
- **Patient information leaflets and other booklets and newsletters**
- **Patient Advice and Liaison Service (PALS)**
- **Advice and guidance**



- **Corporate communications & media releases**