



West Hampshire
Clinical Commissioning Group

POLICY FOR THE MANAGEMENT OF THE FREEDOM OF INFORMATION ACT 2000

(Version 4)

Subject and version number of document	Policy for the Management of the Freedom of Information Act 2000 Version 4
Serial Number:	COR/005/V 4.00
Operative date:	25 May 2018
Author:	Emergency Management & Risk Manager
CCG Owner	Director of Performance & Delivery
Links to Other Policies	<ul style="list-style-type: none"> • Information Governance Management Framework & Strategy • Information Governance Policy • Information Security Risk Management Strategy & Programme • Records Management Policy • Information Security Policy
Review date:	1 May 2021
For action by:	All staff of the NHS West Hampshire Clinical Commissioning Group (CCG)
Policy statement:	This document sets out the obligations, responsibilities and procedures relating to the management of Freedom of Information enquiries received by NHS West Hampshire Clinical Commissioning Group (WHCCG)
Responsibility for dissemination to new staff:	Line Managers
Mechanisms for dissemination:	This policy is only applicable to CCG staff. Staff will be advised of the new policy via the internal staff newsletter. The policy will also be published on the CCG website.
Training Implications:	All staff at induction
Resource implications:	There are staff implications in terms of responding to FOI requests within specified timescales.
Further details and additional copies available from:	Website https://www.westhampshireccg.nhs.uk/documents?media_folder=189&root_folder=Corporate
Equality Analysis Completed?	Yes.
Consultation Process	The original version of the policy was reviewed by the WHCCG Management Committee – 20 July 2012

	Policy Sub Group – 10 November 2014 & 6 November 2017. Virtual review March 2018, review re GDPR May 2018
Approved by:	Policy Sub Group
Date approved:	16 May 2018

Website Upload:

Website	Location in FOI Publication Scheme	https://www.westhampshireccg.nhs.uk/documents?media_folder=189&root_folder=Corporate
Keywords:	Freedom of Information	

Amendments Summary:

Amend No	Issued	Page(s)	Subject	Action Date
1	Nov 15		Addition of disclosure guidance as an appendix, with reference made in section 1.4. Reference to Corporate Governance Committee changed to Board in section 3.5 to reflect change to governance structure.	Nov 15
2	Apr 16		Updates to hyperlinks, references to CSU, addition of summary section	Apr 16
3	Jun 16	12, 23, 31, 37, 39, 40, 42	Update to new contact address and email address	June 16
4	Mar 17	As above	Update to new email address.	March 17
5	Oct 17		References to SCW. Staffing details of FOI team and responsibilities. Timescales of FOI process.	October 17
6	Mar 18	Throughout	Change all SCW CSU references to WHCCG due to in housing the service.	28 Mar 18
7	April 18		Changes to reflect introduction of GDPR	

Review Log:

Include details of when the document was last reviewed:

Version Number	Review Date	Reviewer	Ratification Process	Notes
3	October 2014	CSU FOI Team	Policy Sub Group and Corporate Governance Committee, November 2014. Ratified by CCG Board 18 December 2014.	Complete review in line with policy management requirements
3.6	October 2017	CSU FOI	Policy Sub Group and Board November 2017	See amendment 5 above
3.7	February 2018	Emergency Management & Risk Manager		See amendment 6 above
4	April 2018	IG Manager, CSU		See amendment 7 above

POLICY FOR THE MANAGEMENT OF THE FREEDOM OF INFORMATION ACT 2000

SUMMARY OF KEY POINTS TO NOTE

This policy sets out the obligations, responsibilities and procedures relating to the management of Freedom of Information enquiries received by the CCG. Specifically:

- All staff have a duty to recognise requests made under the Freedom of Information Act: enquirers do not have to mention 'FOI' but they do need to make requests in writing; anyone receiving a telephone request should advise the enquirer to send their enquiry by post / email and include a name and contact address
- The statutory deadline for responding to FOI requests is 20 working days from the day after the request is received by the CCG. All enquiries received by post should be date stamped and forwarded immediately to the FOI team
- Any member of staff may be asked for information to inform a response to a FOI request
- Staff must not alter, deface, block, erase, destroy or conceal information once a request has been received for it; individuals who do this could face criminal prosecution

Equality impact assessment

Title of policy, project or proposal:
Policy for the Management of the Freedom of Information Act 2000

Lead manager:	Emergency Management and Risk Manager
Directorate:	Performance & Delivery

What are the intended outcomes of this policy, project or proposal?
This policy sets out the obligations, responsibilities and procedures relating to the management of Freedom of Information enquiries received by West Hampshire CCG.

Evidence
Who will be affected by the policy, project or proposal? Identify whether patients, carers, communities, CCG employees, and/ or NHS staff are affected. CCG employees, patients / carers / members of the public.
Age Consider and detail (including the source of any evidence) the impact on people across the age ranges. Evidence suggests that older people are more likely to have a sensory disability and so may be more likely to require information in alternative formats – see disability below.
Disability Consider and detail (including the source of any evidence) the impact on people with different kinds of disability (this might include attitudinal, physical and social barriers). Certain medical conditions are automatically classed as being a disability – for example, cancer, HIV infection, multiple sclerosis. People who are visually impaired or who have a learning disability may require information in a more accessible format. In order to proactively identify and meet these additional needs, when a Freedom of Information request is received staff must ask whether the information is required in an alternative format in order to make it accessible. This might include a need for large print, braille, audio file or translation into another language. If so, a quotation must be obtained in order to decide whether providing the

requested information is practicable. Staff should contact the CCG Communications and Engagement team for advice.

Dementia

Given the CCGs commitment to commissioning 'Dementia Friendly' services, consider and detail any impact on people with dementia.

No impact

Gender reassignment (including transgender)

Consider and detail (including the source of any evidence) the impact on transgender people. Issues to consider may include same sex/ mixed sex accommodation, ensuring privacy of personal information, attitude of staff and other patients.

Under the Gender Recognition Act 2004 it is illegal (without explicit consent) to disclose information about whether an individual has applied for a gender recognition certificate or disclose someone's gender prior to the acquisition of a gender recognition certificate. Although the FOIA prohibits disclosure of personal data such as this, CCG staff must be careful not to break this additional law when meeting FOI requests.

Marriage and civil partnership

Note: This protected characteristic is only relevant to the need to eliminate discrimination within employment. Where relevant, consider and detail (including the source of any evidence) the impact on people who are married or in a civil partnership (for example, working arrangements, part-time working, infant caring responsibilities).

No impact

Pregnancy and maternity

Consider and detail (including the source of any evidence) the impact on women during pregnancy and for up to 26 weeks after giving birth, including as a result of breastfeeding.

No impact

Race

Consider and detail (including the source of any evidence) the impact on groups of people defined by their colour, nationality (including citizenship), ethnic or national origins. Given the demography of west Hampshire this will include Roma gypsies, travellers, people from Eastern Europe, Nepalese and other South East Asian communities. Impact may relate to language barriers, different cultural practices and individual's experience of health systems in other countries.

When a Freedom of Information request is received staff must ask whether the information is required in an alternative format in order to make it accessible. This might include a need for large print, braille, audio file or translation into another language. If so, a quotation must be obtained in order to decide whether providing the requested information is practicable. Staff should contact the CCG Communications and Engagement team for advice.

Religion or belief

Consider and detail (including the source of any evidence) the impact on people with different religions, beliefs or no belief. May be particularly relevant when service involves intimate physical examination, belief prohibited medical procedures, dietary requirements and fasting, and practices around birth and death.

No impact

Sex (gender)

Consider and detail (including the source of any evidence) the impact on men and women (this may include different patterns of disease for each gender, different access rates).

No impact

Sexual orientation

Consider and detail (including the source of any evidence) the impact on people who are attracted towards their own sex, the opposite sex or to both sexes (lesbian, gay, heterosexual and bisexual people).

No impact

Carers

Consider and detail (including the source of any evidence) the impact on people with caring responsibilities. This must include people who care for disabled relatives or friends (as they are protected by discrimination by association law), but you should also consider parent/ guardian(s) of children under 18 years. Carers are more likely to have health problems related to stress and muscular-skeletal issues, they may have to work part-time or certain shift-patterns, or face barriers to accessing services.

No impact

Serving Armed Forces personnel, their families and veterans

The needs of these groups should be considered specifically. The CCG has a responsibility to commission all secondary and community services required by Armed Forces' families where registered with NHS GP Practices, and services for veterans and reservists when not mobilised (this includes bespoke services for veterans, such as mental health services).

No impact

Other identified groups

Consider and detail (including the source of any evidence) the impact on any other identified groups. Given the demography of west Hampshire this should include impact of:

- Poverty
- Living in rural areas
- Resident status (migrants and asylum seekers).

No impact

Involvement and consultation

For each engagement activity, briefly outline who was involved, how and when they were engaged, and the key outputs

How have you involved stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available?

Not applicable

How have you involved/ will you involve stakeholders in testing the policy, project or proposals?

The draft policy was shared managers and the CCG Staff Forum for comment prior to approval.

Equality statement

Considering the evidence and engagement activity you listed above, please summarise the findings of the impact of your policy, project or proposal. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups.

Impact summary (statutory considerations)

Age	Positive	Neutral	Negative
Disability	Positive	Neutral	Negative
Sexual orientation	Positive	Neutral	Negative
Race	Positive	Neutral	Negative
Religion or belief	Positive	Neutral	Negative
Gender reassignment	Positive	Neutral	Negative
Sex	Positive	Neutral	Negative
Marriage and civil partnership	Positive	Neutral	Negative
Pregnancy and maternity	Positive	Neutral	Negative

Other policy considerations

Poverty	Positive	Neutral	Negative
Place (Rural versus urban living)	Positive	Neutral	Negative
Serving Armed Forces/ veterans	Positive	Neutral	Negative
Other factors	Positive	Neutral	Negative

Have you identified any positive or negative impacts?

Yes

Positive impacts

Where there is evidence, provide a summary of the positive impact the policy, project or proposal will have for each protected characteristic, and any other relevant group or policy consideration. This should include outlining how equal opportunities will be advanced and good relations fostered between different groups.

The CCG will adopt a proactive approach to cross any communication barriers. When a Freedom of

Information request is received staff must ask whether the information is required in an alternative format in order to make it accessible. This might include a need for large print, braille, audio file or translation into another language.

In accordance with the Gender Recognition Act 2004, CCG staff will also ensure they do not disclose information about whether an individual has applied for a gender recognition certificate or disclose someone's gender prior to the acquisition of a gender recognition certificate.

Negative impacts

Where there is evidence, provide a summary for each protected characteristic and any other relevant group or policy consideration. If the evidence shows that the policy, project or proposal will or may result in discrimination, harassment or victimisation this **must be** outlined.

Potential for negative impact on older people, people with disabilities and transgender people. The policy has been amended to minimise the potential for negative equality impacts.

Health inequalities

Please outline any health inequalities highlighted by the evidence (for example, differential access to services or worse health outcomes for particular groups or localities).

Not applicable

Action planning for improvement, and to address health inequalities and discrimination

Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.

Action	Person responsible	By date
1. Amend the policy to take account of the needs of older people, people with a disability and people who speak other languages who may require information in accessible formats or for it to be translated.	Emergency Management & Risk Manager	Completed as part of policy drafting
2. Amend policy to take account of requirements of the Gender Recognition Act 2004	Emergency Management & Risk Manager	Completed as part of policy drafting

For your records

Person who carried out this assessment: Emergency Management and Risk Manager

Date assessment completed: 3 May 2018

Date to review actions:

Responsible Director:	Director of Performance & Delivery
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Date assessment was approved:
