

## Freedom of Information Act 2000

### Definition document for Community Health Councils in Wales

This guidance gives examples of the kinds of information that we would expect Community Health Councils (CHCs) to provide in order to meet their commitments under the model publication scheme. We would expect CHCs 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 CHC 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- the information is archived, out of date or otherwise inaccessible; or,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.

#### **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 datasets 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 link into the NHS structure**

Information on the statutory framework and role of the Community Health Council, which will include details of the NHS bodies that are monitored by the Community Health Council.

- **Organisational structure**

This will include details of key personnel.

- **Membership**

Information on current membership of the CHC together with terms of appointment.

- **Contact details**

If possible, named contacts should be given in addition to official contact phone numbers, email address and opening hours.

### **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. If an authority wishes to include financial information for earlier years this should be explained in any guidance provided by the authority itself.

- **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).

- **Staff and Members' allowances and expenses**

Details of the allowances and expenses that can be claimed or incurred. The total of the allowances and expenses paid to or incurred by individual members of senior staff and council members, produced in line with the CHC's policies, and must at least include travel, subsistence and accommodation. For the purpose of this document, "senior staff" means staff whose basic annual salary is at least £60,000 per annum.

- **Staff pay and grading structures**

This may be provided as part of the organisational structure and should indicate, as a minimum, salaries for senior staff, 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 organisation's workforce.

- **Funding**
- **Procurement and tendering procedures**

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

- **Details of contracts currently being tendered**
- **List and value of contracts awarded and their value**

We would normally only expect the authority to publish details of contracts and invitations to tender worth over £5,000.

- **Standing financial procedures**

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

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

- **Annual Report**
- **Annual business plan**
- **Targets, Aims and Objectives and performance against those**
- **Strategic Direction document (annual plan)**
- **User surveys**
- **Audit or inspection reports**
- **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. If authorities can make information available for longer, this can be explained in any guidance produced by the authority itself.

- **CHC meetings – agenda, supporting papers and minutes**
- **Sub-committee meetings – agenda, supporting papers and minutes**
- **CHC liaison meetings - agenda, supporting papers and minutes**

It is accepted that information relating to the above meetings will exclude any material that is properly considered to be private.

- **Patient and public involvement strategy**
- **Public consultations**

Details of local and/or national consultation exercises with access to the consultation papers or information about where the papers can be obtained. The results, including copies of responses to, consultation exercises.

### **Our policies and procedures**

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

- **Policies and procedures relating to human resources including recruitment and employment policies**
- **Equality and diversity policies; Equality Scheme**
- **Welsh Language Scheme produced in accordance with the Welsh Language Act 1993**
- **Members' code of conduct**
- **Standing orders**
- **Financial procedures**
- **Complaints and other customer service policies and procedures**

Standards for providing services to the authority's customers, including the complaints procedure. 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, records retention, destruction and archive policies, data protection (including data sharing) and patient confidentiality policies.

- **Estates management**
- **Patient Enquiries and Complaints Advocacy services**
- **Charging regimes & 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.

### **List and registers**

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

- **Any information we are currently legally required to hold in publicly available registers**
- **List of main contractors / suppliers**
- **Assets register**

We would not expect authorities to publish all details from all asset registers. We would expect some information from capital asset registers to be available.

- **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.

- **Register of members' interests**
- **Register of gifts and hospitality provided to 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.

- **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.

### **The services we offer**

Information about the services we offer, including leaflets, guidance

and newsletters.

In general, this will be an expansion 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 authority, linked to details of those services.

- **Communications & media releases**
- **Services for which the authority is entitled to recover a fee together with those fees**
- **Patient information leaflets**
- **Hospital monitoring**
- **Local complaints advocacy**
- **Advice and guidance**