

**NHS COMMISSIONING BOARD AUTHORITY**

**Title:** APPROVAL OF POLICIES: FREEDOM OF INFORMATION PUBLICATION SCHEME

**Clearance:** Bill McCarthy, NHS Commissioning Board - Managing Director

**Purpose of Paper:**

- To inform the board of the NHS Commissioning Board Authority (NHS CBA) of its duties under the *Freedom of Information Act 2000 (FOI Act)*.
- To inform the board of the NHS CBA's anticipated future publications that will support the organisation to meet these duties.

**Key Issues and Recommendations:** Although the NHS CBA is still a small organisation and currently holds limited information, the FOI Act places an immediate duty on the NHS CBA to produce an approved publication scheme, which is a means of providing the public with access to information that the organisation will proactively publish.

**Actions Required by Board Members:**

1. To note the NHS CBA's legal duties and proposed upcoming publications. The NHS CBA's publication scheme will direct people to this information, as it is published.

## FREEDOM OF INFORMATION PUBLICATION SCHEME

### Context: The NHS CBA's legal obligations

1. The Freedom of Information Act 2000 gives the public a statutory right, subject to specific exemptions, to access information held by public bodies. This legislation applies immediately to the NHS CBA upon establishment.
2. The Act requires public authorities to have an approved publication scheme, which is a means of providing access to information that an authority proactively publishes.
3. The Information Commissioner's Office (ICO) explains that a publication scheme commits an authority:
  - to proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within a number of specific classifications (listed below);
  - to specify the information that is held by the authority and falls within these classifications;
  - 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 authority makes available under this scheme;
  - to produce a schedule of any fees charged for access to information that is made proactively available, for example hard copy publications; and
  - to make this publication scheme available to the public.

### Types of Information we should Proactively Release

4. The classes of information that the ICO expects public authorities to proactively publish are:
  - Who we are and what we do: *Organisational information, locations and contacts, constitutional and legal governance;*
  - What we spend and how we spend it: *Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts;*
  - What our priorities are and how we are doing: *Strategy and performance information, plans, assessments, inspections and reviews;*

- How we make decisions: *Policy proposals and decisions; Decision making processes, internal criteria and procedures, consultations;*
  - Our policies and procedures: *Current written protocols for delivering our functions and responsibilities;*
  - Lists and Registers: *Information held in registers required by law and other lists and registers relating to the functions of the Authority, and*
  - The Services we Offer: *Advice and guidance, booklets and leaflets, transactions and media releases; A description of the services offered.*
5. The ICO's guidance document [Definition document for Health Bodies in England](#) provides further detail about the sorts of information health organisations in England should aim to publish within each category.

### **The NHS CBA's Publication Scheme**

6. The ICO guidance is clear that an organisation should not create information purely for the purposes of completing the model publications scheme. As a very young organisation operating in shadow form, we do not expect to hold all the information suggested in the ICO guidance for some time.
7. However, as we start to deliver our preparatory work for the establishment of the NHS Commissioning Board (subject to the successful passage of the Health and Social Care Bill through Parliament) we will of course start to hold increasing amounts of information, and need to continually consider how we can proactively make this freely available, most commonly via our website. Below, we set out our current planning assumptions covering the sorts of information we envisage proactively publishing over the coming months. By continually challenging ourselves to release as much information about our work as possible, in as timely and accessible way as possible, we can ensure that the body of information in the public domain grows in line with our growth as an organisation. This will support us to live up to a key value set out in *Developing the NHS Commissioning Board* – “an open and transparent approach, sharing information freely wherever appropriate”.

### **Planning Assumptions: Upcoming Publications or Information we expect the NHS CBA to Collate (as at 2 December 2011):**

8. We currently expect to publish or make available the following information:
- the minutes of the first board meeting, and further information about upcoming board meetings;
  - information about our board and senior team as they are recruited, and further information about the Board Authority's organisational design as teams are established;

- press releases and corporate communications (including letters from the NHS CBA's Chief Executive to the service);
- disclosure log of any information the NHS CBA releases in response to specific FOI enquires;
- information about our key partners as we start to build up relationships with stakeholders;
- information about our procurement processes and any live contracts and tenders;
- quarterly FOI statistics;
- equalities analysis;
- information about our internal policies as these are developed (for example HR); and
- an annual report to cover our work during 11/12 (including our financial accounts).