

## EQUALITY & DIVERSITY IMPACT ASSESSMENT

**When completed, a copy of this EQIA form should be emailed to [lynsey.fitzpatrick@nhs.net](mailto:lynsey.fitzpatrick@nhs.net)**

<b>Name of Policy/Strategy</b>	Freedom of Information Policy		
<b>Name of Division</b>	Corporate / Integration Joint Board		
<b>Names and role of Review Team:</b>	Lynsey Fitzpatrick, Equality & Diversity Lead Laura Geddes, Corporate Business Manager	<b>Date(s) of assessment:</b>	14 <sup>th</sup> June 2016
<b>SECTION ONE                      AIMS OF THE PROGRAMME</b>			
<b>Is this a new or existing Policy/Strategy:</b>			
This is a new policy.			
<b>What is the aim or purpose of the Policy/Strategy:</b>			
<p>The Freedom of Information (Scotland) Act 2002 (FOISA) is a legal requirement for the disclosure of information held by Scottish Public Authorities or by third party providing services for them. The “applicant” who requests information from the public authority which holds that information is entitled to be given it by the authority.</p> <p>NHS Dumfries and Galloway is committed to transparency in the way that it works. This commitment is supported by FOISA, and aims to increase accountability across the public sector and in government by ensuring that people have the right to access information. FOISA enables members of the public to examine the decisions of public authorities more closely and ensure that the services provided are efficiently and properly delivered.</p>			
<b>Who is this policy/strategy intended to benefit or affect? In what way? Who are the stakeholders?</b>			
<p>This policy will impact on both the general public and staff of NHS Dumfries and Galloway and the Integration Joint Board. The benefits will be seen by the general public as it will give clear instruction on how they can obtain information from NHS Dumfries and Galloway and the Integration Joint Board to maintain transparency across all services.</p>			

**How have these people been involved in the development of this policy/strategy?**

Consideration has been given to the needs of the public, to ensure a robust system is put in place to respond to their questions, providing them with the information they require as quickly and efficiently as possible.

Key members of staff involved in the handling of FOI requests have been included in a consultation process to ensure all views and comments are considered before being finalised and put forward for the Impact Assessment.

Both the NHS and the Integration Joint Board are developing pages within their external websites to give clear guidance on how to access FOIs.

**What resource implications are linked to this policy/strategy?**

Resource is already available through the FOI Officer and FOI Lead to manage the policy throughout the year.

**SECTION TWO**

**IMPACT ASSESSMENT**

**Complete the following table, giving reasons or comments where:**

**The Programme could have a positive impact by contributing to the general duty by –**

- **Eliminating unlawful discrimination, harassment, victimisation or any other prohibited conduct**
- **Advancing equality of opportunity by having due regard to:**
  - **Removing or minimising disadvantage**
  - **Meeting the needs of particular groups that are different from the needs of others**
  - **Encouraging participation in public life**
- **Fostering good relations – tackling prejudice, promoting understanding**

**The Programme could have an adverse impact by disadvantaging any of the equality groups. Particular attention should be given to unlawful direct and indirect discrimination.**

**If any potential impact on any of these groups has been identified, please give details - including if impact is anticipated to be positive or negative.**

**Population Groups (Remember many people are in several of these groups which may add to their vulnerability)**

	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Comments</b>
				<i>** The Freedom of Information (Scotland) 2002 is a mechanism of accountability, and to inform the public on a number of issues, of which equality and diversity may be one. Being open and accountable and providing access to information is fundamental to the concepts and aims of the Equality Act 2010. To demand fair and equitable services, the public need to know the standards they can expect and have the evidence to demonstrate the extent to which they are being met.**</i>
<b>Women</b> <b>Men</b>			X	
<b>Minority ethnic groups (includes gypsy travellers, refugees and asylum seekers)</b>			X	Although not readily available in all languages, if an individual contacts the Board in regard to the policy, we would be willing to assist in the translation of the policy into a different language.
<b>Older People</b>			X	
<b>Children &amp; Young people</b>			X	No age restriction within the policy or the Act.
<b>Disabled People (includes physical disability, learning disability, sensory impairment, long-term medical conditions)</b>		X		From the legislation “You must make your request in writing, or any other form that can be kept for future use, such as email, fax, audio or video tape. If you want your FOI rights to apply, you can't ask verbally (for example by telephone or at an office) - unless you are asking for environmental information.”  Other options of submission of an FOI will be considered and suggested to the requester over the telephone, to allow all members of the public to submit a request for information.

**Population Groups (Remember many people are in several of these groups which may add to their vulnerability)**

	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Comments</b>
				<i>** The Freedom of Information (Scotland) 2002 is a mechanism of accountability, and to inform the public on a number of issues, of which equality and diversity may be one. Being open and accountable and providing access to information is fundamental to the concepts and aims of the Equality Act 2010. To demand fair and equitable services, the public need to know the standards they can expect and have the evidence to demonstrate the extent to which they are being met.**</i>
<b>People with different religions or beliefs (includes people with no belief)</b>			X	
<b>Lesbian/gay women</b>			X	This policy applies to all members of the public regardless of their protected characteristic.
<b>Gay men</b>			X	
<b>Bisexual people</b>			X	
<b>Heterosexual people</b>			X	
<b>Transgender people</b>			X	
<b>Married and unmarried people/civil partnerships</b>			X	
<b>Issues relating to pregnancy and maternity</b>			X	

**Population Groups (Remember many people are in several of these groups which may add to their vulnerability)**

	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Comments</b>
				<i>** The Freedom of Information (Scotland) 2002 is a mechanism of accountability, and to inform the public on a number of issues, of which equality and diversity may be one. Being open and accountable and providing access to information is fundamental to the concepts and aims of the Equality Act 2010. To demand fair and equitable services, the public need to know the standards they can expect and have the evidence to demonstrate the extent to which they are being met.**</i>
<b>Homeless</b>		X		An email or postal address is required for every request, however, the request can be submitted through a c/o address or other person's email if they do not have their own.
<b>Looked after and Accommodated:</b> <b>Children</b> <b>Adults</b> <b>Older People</b>			X	
<b>People with language or social origin issues</b>			X	Access to a translation system is available on request.
<b>Individuals with Mental Health issues</b>			X	
<b>People involved in the criminal justice system</b>			X	

**Population Groups (Remember many people are in several of these groups which may add to their vulnerability)**

	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Comments</b>
				<p><i>** The Freedom of Information (Scotland) 2002 is a mechanism of accountability, and to inform the public on a number of issues, of which equality and diversity may be one. Being open and accountable and providing access to information is fundamental to the concepts and aims of the Equality Act 2010. To demand fair and equitable services, the public need to know the standards they can expect and have the evidence to demonstrate the extent to which they are being met.**</i></p>
<b>People in different socio-economic groups (includes those living in poverty, people of low income)</b>			X	
<b>People who have low literacy</b>		X		<p>From the legislation “You must make your request in writing, or any other form that can be kept for future use, such as email, fax, audio or video tape. If you want your FOI rights to apply, you can't ask verbally (for example by telephone or at an office) - unless you are asking for environmental information.”</p> <p>Other options of submission of an FOI will be considered and suggested to the requester over the telephone, to allow all members of the public to submit a request for information.</p> <p>If a request was received that we did not understand what was being asked for, the FOI Officer or FOI Lead would seek clarification from the requester and where possible a telephone discussion held to give the person alternative options for submission of the request, for example Citizens Advice Service.</p>
<b>People in remote, rural locations</b>			X	

**Population Groups (Remember many people are in several of these groups which may add to their vulnerability)**

	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Comments</b>
				<i>** The Freedom of Information (Scotland) 2002 is a mechanism of accountability, and to inform the public on a number of issues, of which equality and diversity may be one. Being open and accountable and providing access to information is fundamental to the concepts and aims of the Equality Act 2010. To demand fair and equitable services, the public need to know the standards they can expect and have the evidence to demonstrate the extent to which they are being met.**</i>
<b>Carers</b>			X	If a carer was asking for information relating to the person they care for, this would not be handled through the FOI Act. Other options would be discussed around the information being requested, which would need to have written consent from the person being cared for, before anything can be released.
<b>Staff (includes people with different work patterns, e.g. part/full time, short-term, job share, seasonal)</b>		X		Some of the information requests received, which the Board is legally required to respond to can have an adverse impact on staff member's workload due to the volume of information being requested, however, the total cost of collating the information exceeds £600, the Board are able to apply an exemption through the Act of Cost of Compliance, which should be estimated by the department being asked to provide the information when the request is first received and before any work takes place..

**What impact will the proposal have on equality? For example, will the changes affect:**

	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Reason or comment for impact rating</b>
<b>Discrimination against groups of people</b>	X			The Policy gives the Board a mechanism to hold to the Board to account, improving transparency of decisions and ensuring all relevant information is published timeously.

**What impact will the proposal have on equality? For example, will the changes affect:**

	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Reason or comment for impact rating</b>
<b>Promoting equality of opportunity (consider potential action to reduce disadvantage; encourage participation in public life of all groups of people)</b>	X			Although the Act is not always easy to understand, the policy gives the Boards interpretation in plain English of how the legislation will be taken forward to ensure transparency going forward.
<b>Tackling harassment</b>	X			The legislation gives clear instruction on how to improve the impact of harassment on staff through the application of the vexatious decision.
<b>Promoting positive attitudes</b>			X	
<b>Promoting good relations between different groups</b>			X	
<b>Community capacity building and opportunities to build cohesion within and between communities</b>			X	

Which human rights could be affected by the proposal?		
		Comments
Life (Article 2, ECHR)	<ul style="list-style-type: none"> <li>• Basic necessities such as adequate nutrition, clean and safe drinking water</li> <li>• Suicide</li> <li>• Risk to life of/from others</li> <li>• Duties to protect life from risks by self/others</li> <li>• End of life questions</li> <li>• Duties of prevention, protection and remedy, including investigation of unexpected death</li> </ul>	No comment to make in regard to this item.
Freedom from ill-treatment (Article 3, ECHR)	<ul style="list-style-type: none"> <li>• Fear, humiliation</li> <li>• Intense physical or mental suffering or anguish</li> <li>• Prevention of ill-treatment, protection and rehabilitation of survivors of ill-treatment</li> <li>• Duties of prevention, protection and remedy, including investigation of reasonably substantiated allegations of serious ill-treatment</li> <li>• Dignified living conditions</li> </ul>	No comment to make in regard to this item.
Liberty (Article 5, ECHR)	<ul style="list-style-type: none"> <li>• Detention under mental health law</li> <li>• Review of continued justification of detention</li> <li>• Informing reasons for detention</li> </ul>	No comment to make in regard to this item.
Fair Hearing (Article 6, ECHR)	<ul style="list-style-type: none"> <li>• Staff disciplinary proceedings</li> <li>• Malpractice</li> <li>• Right to be heard</li> <li>• Procedural fairness</li> <li>• Effective participation in proceedings that determine rights such as employment, damages/compensation</li> </ul>	The FOI Policy supports the right to fair hearing, for example the Board being open and accountable for their actions and promoting transparency through information held, as well as giving the public the opportunity to question the services being provided, potential malpractice issues and whether procedures have been followed.

Which human rights could be affected by the proposal?		
		Comments
Private and family life (Article 8, ECHR)	<ul style="list-style-type: none"> <li>• Private life</li> <li>• Family life</li> <li>• Home</li> <li>• Correspondence</li> <li>• Reputation</li> <li>• Physical and moral integrity (e.g. freedom from non-consensual treatment, harassment or abuse)</li> <li>• Personal data, privacy and confidentiality</li> <li>• Sexual identity</li> <li>• Autonomy and self-determination</li> <li>• Relations with family/community</li> <li>• Participation in decisions that affect rights</li> <li>• Legal capacity in decision making, supported participation and decision making, accessible information and communication to support decision making</li> <li>• Participation in public life</li> <li>• Participation in leisure and culture life</li> <li>• Clean and healthy environment</li> </ul>	Although statistics would be provided, no personal information that would identify the individual would be issued to protect their right to private and family life.
Freedom of thought, conscience and religion (Article 9 ECHR)	<ul style="list-style-type: none"> <li>• Conduct central to beliefs (such as worship, appropriate diet)</li> </ul>	No comment to make in regard to this item.
Freedom of expression (Article 10, ECHR)	<ul style="list-style-type: none"> <li>• To hold opinions</li> <li>• To express opinions and receive and impart information and ideas without interference</li> </ul>	The FOI Act gives staff and public the opportunity to ask any questions of the Board.
Freedom of assembly and association (Article 11, ECHR)	<ul style="list-style-type: none"> <li>• Meetings, marches and demonstrations</li> <li>• Choosing whether to belong to a trade union</li> </ul>	No comment to make in regard to this item.

Which human rights could be affected by the proposal?		
		Comments
Marriage and founding a family (Article 12, ECHR)	<ul style="list-style-type: none"> <li>• Capacity</li> <li>• Age</li> </ul>	No comment to make in regard to this item.
Protocol 1 (Article 1, 2, 3 ECHR)	<ul style="list-style-type: none"> <li>• Peaceful enjoyment of possessions</li> <li>• Right to education</li> <li>• Right to elections/vote</li> <li>•</li> </ul>	No comment to make in regard to this item.

## SECTION 3

### EXAMINATION OF AVAILABLE DATA AND CONSULTATION

Data could include: consultations, surveys, databases, focus groups, in-depth interviews, pilot projects, reviews of complaints made, user feedback, academic or professional publications, reports etc

#### Name any experts or relevant groups / bodies you should approach (or have approached) to explore their views on the issues:

In preparing this Policy, discussions were undertaken between the FOI Officer and FOI Lead to ensure compliance of the legislation within the FOI Act, as well as undertaking a review of the information requests received by the Board to date to ensure we are publishing as much information as possible to ensure transparency and accountability for the decisions made. The Policy has been considered through the Board's Area Partnership Forum and the Integration Joint Board to give staff side for the NHS and Board Members for the Integration Joint Board the opportunity to review and challenge all aspects of the Policy both positively and negatively.

#### What do we know from existing in-house quantitative and qualitative data, research, consultations, focus groups and analysis?

No issues were put forward from the in-house reviews being put forward.

#### What do we know from existing external quantitative and qualitative data, research, consultations, focus groups and analysis?

No external reviews have been undertaken in regard to this Policy.

#### What gaps in knowledge are there?

The requests for information are vast as they cover all areas of both NHS Dumfries and Galloway and the Integration Joint Board, therefore, as the requests are unpredictable there is limited ability to put in place a plan to reduce the knowledge gaps within the organisation.

#### In relation to the groups identified:

No comment to make in regard to this item.

#### What are the potential impacts on health?

This Policy will not have any impact on health, other than to encourage transparency of decisions and information held.

**Will the Programme impact on access to health care? If yes - in what way?**

The Policy will not have any impact on access to health care services.

**Will the Programme impact on the experience of health care? If yes - in what way?**

The Policy will not have any impact on patient experience to health care services.

## HAVE ANY POTENTIAL NEGATIVE IMPACTS BEEN IDENTIFIED?

If so, what action been proposed to counteract these? Negative impacts (if yes, state how) e.g.

- Is there any unlawful discrimination?
- Could any community get an adverse outcome?
- Could any group be excluded from the benefits of the Programme/function?
- Does it reinforce negative stereotypes?

**Recommendations (This should include any action required to address negative impacts identified):**

A negative impact was noted around the need for public to submit requests for information in writing to the Board, either through a letter or an email. This raised the question around discrimination to those with literacy problems or other disabilities who are not able to write or type their request. To try to alleviate some of the issues around this area, the Board are happy to review each case individually and look at alternative ways for the requester to submit their request, whether that be through a recorded message that can be stored by the Board or through assistance from other organisations, such as the Citizens Advice Bureau.

## MONITORING

**How will you monitor how this proposal affects different groups, including people with protected characteristics?**

A six monthly report will be taken to the NHS Board and the Integration Joint Board, which looks at the types of requests that have been received, the responses that have been issued and also the impact the responses will have on the protected characteristic groups. The reason for monitoring this information through the Board would be to ensure improvements are made in relation to transparency and accountability of decisions and information held to the better good of the public within the region.

**What monitoring arrangements are in place?**

Consideration is being given to development an anonymous questionnaire and distributing it to requests when their response is submitted, to try to capture information on the protected characteristics for analysis and inclusion within the six monthly update reports described above.

**Who will monitor?**

The FOI Lead for both the NHS and the Integration Joint Board will monitor and analyse the information, with the assistance of the FOI Officer.

**FOR NEW POLICIES ONLY****What research or consultation has been done?**

A full review of the Freedom of Information (Scotland) Act 2002 and the Model Publication Scheme was undertaken to ensure all aspects of the Act has been captured within the Policy.

**What stage is the Programme at?**

The Policy has been drafted and is being presented to the Area Partnership Forum and the Integration Joint Board, respectively, for consultation and approval in June and July 2016.

**What is the target date for completion?**

It is hoped that the FOI Policy for the NHS will be published by 30<sup>th</sup> June 2016 and the FOI Policy for the Integration Joint Board will be published by 31<sup>st</sup> July 2016.

**Is a more detailed assessment needed? (It is not necessary to subject all proposals to a detailed assessment.) If so, for what reason?**

No detailed assessment is required.

**COMPLETED POLICY****Who will sign this off?**

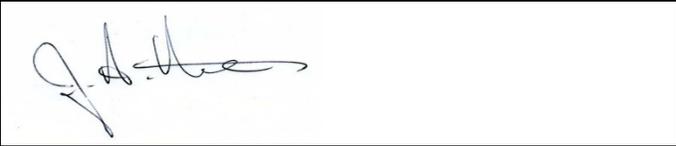
Area Partnership Forum is due to sign off the NHS version of the FOI Policy on 23<sup>rd</sup> June 2016.  
Integration Joint Board is due to sign off the Integration Joint Board version of the FOI Policy on 14<sup>th</sup> July 2016.

**When?**

Area Partnership Forum is due to sign off the NHS version of the FOI Policy on 23<sup>rd</sup> June 2016.  
Integration Joint Board is due to sign off the Integration Joint Board version of the FOI Policy on 14<sup>th</sup> July 2016.

**PUBLICATION****How will this be published?**

The NHS version of the Policy will be published on the internal and external NHS Dumfries and Galloway websites by the 30th June 2016, if approved. The Integration Joint Board version of the Policy will be published on the external website [www.dg-change.org.uk](http://www.dg-change.org.uk) by 31st July 2016, if approved.

<b>Carried Out by</b>	Laura Geddes	<b>Title</b>	Corporate Business Manager / FOI Lead
<b>Signature</b>		<b>Date</b>	22/06/2016
<b>Authorised by</b>	Jeff A Ace	<b>Title</b>	Chief Executive
<b>Signature</b>		<b>Date</b>	22/06/2016

**Note that you may be contacted by the Equality lead for quality control and/or monitoring purposes**