

NORTHERN JOINT POLICE BOARD

13 MAY 2009

Agenda Item	
Report No	

REVIEW OF PUBLICATION SCHEME

Report by the Clerk

Summary

This Report invites the Board to approve a new Publication Scheme, as required by the Freedom of Information (Scotland) Act 2002.

Background

1. The Freedom of Information (Scotland) Act 2002 requires the Board to adopt and maintain a publication scheme that has been approved by the Scottish Information Commissioner (SIC). The Board's current Scheme, approved in 2004, expires on 1 June 2009. The new Scheme requires to be drafted and published in accordance with SIC guidance and to have been submitted to the Commissioner for approval prior to expiry of the current Scheme.

Review of Scheme

2. A draft revised Scheme, as appended to this report, has been submitted to the Commissioner, who has confirmed his approval, which applies until 1 June 2013.

Recommendation

The Board is asked to approve the appended revised Publication Scheme.

Signature

Designation Clerk

Date 5 May 2009

Author Mrs R Moir, Assistant Clerk

Northern Joint Police Board Publication Scheme Produced as required by the Freedom of Information (Scotland) Act 2002

SECTION 1: INTRODUCTION TO THE PUBLICATION SCHEME

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available. This scheme has been approved by the Scottish Information Commissioner, who is responsible for enforcing FOISA. We are also obliged to review this scheme from time to time.

The purpose of the scheme is to provide you with details of the range of information that we routinely publish. The scheme also provides details of how you can access this information, and tells you whether it is available free, or if there is a charge for the information.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to the environmental information that we hold. This publication scheme also contains details of the environmental information that we routinely make available.

Where information is not published under this scheme, you can request it from us under FOISA or, in the case of environmental information, the EIRs. For further information on accessing information not covered by this scheme, refer to *Section 11 – How to access information not available under the scheme*.

SECTION 2: ABOUT NORTHERN JOINT POLICE BOARD

Northern Joint Police Board was established by Section 34 of the Local Government etc (Scotland) Act 1994 and the Northern Combined Police Area Amalgamation Scheme Order 1995. This Order provided for the Highland Council, Orkney Islands Council, Shetland Islands Council and Comhairle nan Eilean Siar becoming amalgamated for police purposes into the Northern Joint Police Board. The Board consists of 24 Councillors appointed from the membership of the 4 Councils as follows:-

- 16 members appointed by the Highland Council
- 2 members appointed by Orkney Islands Council
- 2 members appointed by Shetland Islands Council
- 4 members appointed by Comhairle nan Eilean Siar

Members of the Board are appointed by each of these Councils following each Local Authority election.

The Board shares responsibility for Northern Constabulary with the Chief Constable, who is responsible for police operational matters, and with the Scottish Ministers.

The Board is supported by a Clerk and Treasurer who give administrative support and professional advice. Currently the Clerk and Treasurer are the Assistant Chief Executive and Depute Chief Executive respectively of the Highland Council. The Board currently meets 4 times a year, with one of these meetings being held in one of the Islands authorities, on a rotating basis, and the other 3 in Inverness. In addition, business is conducted through a Finance and Policy Working Group, Audit Working Group, Complaints Working Group, Complaints Sub-Committee, Discipline Appeals Sub-Committee and Grievance Appeals Sub-Committee.

All meetings, unless specified, are open to the public and papers are available in advance of meetings.

The Board has a number of statutory duties and responsibilities. The main ones are to:

- set the budget for Northern Constabulary and provide the Chief Constable with the resources necessary to police the Force area efficiently and effectively;
- make arrangements to secure best value and participate in community planning;
- keep itself informed as to the manner in which complaints made by members of the public against Constables are dealt with by the Chief Constable;
- appoint the Chief Constable and Deputy Chief Constable.

SECTION 3: PREPARING THE PUBLICATION SCHEME

When preparing or reviewing our publication scheme, we are obliged by FOISA to have due regard to the public interest in providing access to the information that we hold which relates to:

- the services we provide
- the costs of those services
- the standard of those services
- the facts that inform the important decisions we take
- the reasoning that informs our decisions.

In preparing this publication scheme, we have tried to ensure that a wide range of information about the Northern Joint Police Board is made easily accessible to the public. We have undertaken a review of information requests received in order to ensure that information that is in the public interest is included in the scheme.

SECTION 4: ACCESSING INFORMATION UNDER THE SCHEME

Information available under our publication scheme will normally be available through the routes described below. *Section 12 – Classes of Information* provides more details on the information available under the scheme, along with additional guidance on how the information falling within each “class” may be accessed.

Online:

Most information listed in our publication scheme is available to download from our website, with direct links to our Agendas and Minutes, and also, via the “Membership and Functions” link, to various other Publications: <http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard>. In many cases a link within *Section 12: Classes of Information* will direct you to the relevant web page.

If you are still having trouble finding any document listed under our scheme, then please call Rhona Moir, Assistant Clerk to Northern Joint Police Board, on 01463 702123 for further assistance.

By email:

If the information you seek is listed in our publication scheme but is not published on our website, we can send it to you by email, wherever possible. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary. Our contact email address is: rhona.moir@highland.gov.uk.

By phone:

Information can also be requested from us over the telephone. Please call Rhona Moir, Assistant Clerk to Northern Joint Police Board, on 01463 702123 to request information available under this scheme.

By post:

All information under the scheme will normally be available in paper copy form. Please address your request to:

Rhona Moir
Assistant Clerk to Northern Joint Police Board
Chief Executive's Office
The Highland Council
Council Headquarters
Glenurquhart Road
Inverness IV3 5NX

When writing to us to request information, please include your name and address, full details of the information or documents you would like to receive, and any fee applicable (see *Section 6: Our Charging Policy for further information on fees*). Please also include a telephone number so we can telephone you to clarify any details, if necessary.

Advice and assistance:

If you have any difficulty identifying the information you want to access, then please contact Rhona Moir, Assistant Clerk to Northern Joint Police Board, using the contact details listed above, who will be happy to help.

Other languages or formats:

We aim to meet your requests for translated information or alternative formats wherever practicable.

SECTION 5: INFORMATION THAT WE MAY WITHHOLD

All information covered by our publication scheme can either be accessed through our website, or will be provided promptly following our receipt of your request.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in *Section 12 – Classes of Information*. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it.

Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment. Information may also be withheld if it is another person's personal information, and its release would breach the data protection legislation.

Whenever information is withheld we will inform you of this, and will set out why that information cannot be released. Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.

If you wish to complain about any information which has been withheld from you, please refer to *Section 10 – Complaints*.

SECTION 6: OUR CHARGING POLICY

All information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction costs:

Where the number of copies requested exceeds 50 sides of paper or the request is for multiple copies of a single document, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Computer discs will be charged at the rate of £1.00 per CD-Rom.

Postage cost:

We may pass on postage charges to the requester at the cost to the Board of sending the information by first class post.

SECTION 7: OUR COPYRIGHT POLICY

Northern Joint Police Board holds the copyright for the vast majority of information in this publication scheme. All of this information can be copied or reproduced without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, and provided that the source of the material is identified.

The publication scheme may, however, contain information where the copyright holder is not Northern Joint Police Board. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing

the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder. Wherever possible, this scheme will indicate where we do not own the copyright on documents within *Section 12 – Classes of Information*.

Information about Crown copyright material is available on the website of the Queens Printer for Scotland at www.oqps.gov.uk. We can provide you with a copy of this information if you do not have internet access.

SECTION 8: OUR RECORDS MANAGEMENT AND DISPOSAL POLICY

Northern Joint Police Board recognises the relevant principles of the ACPOS (Association of Chief Police Officers in Scotland) Records Retention Schedule (<http://www.acpos.police.uk/Policies.html>). We are also liaising with the Highland Council on the completion of the Council's Retention Schedule in respect of all documents that it creates and holds and on the finalisation of its updated Record Management Policy. The Retention Schedules set out the lengths of time for which all types of records must be held. This means that, whilst FOISA is retrospective, it is only possible to provide copies of our records that are still in existence. A copy of the Highland Council Retention Schedule and Records Management Policy will be made available on our website when formally adopted by the Council and the Board.

SECTION 9: FEEDBACK

FOISA requires that we review our publication scheme from time to time. As a result, we welcome feedback on how we can develop our scheme further. If you would like to comment on any aspect of this publication scheme, then please contact us. You may, for example wish to tell us about:

- other information that you would like to see included in the scheme
- whether you found the scheme easy to use
- whether you found the publication scheme useful
- whether our staff were helpful
- other ways in which our publication scheme can be improved.

Please send any comments or suggestions to:

Rhona Moir
Assistant Clerk to Northern Joint Police Board
Chief Executive's Office
The Highland Council
Council Headquarters
Glenurquhart Road
Inverness IV3 5NX

Tel: 01463 702123

Fax: 01463 702182

Email: rhona.moir@highland.gov.uk

SECTION 10: COMPLAINTS

Our aim is to make our publication scheme as user-friendly as possible, and we hope that you can access all the information we publish with ease. If you do wish to complain about any aspect of the publication scheme, however, then please contact us, and we will try to resolve your complaint as quickly as possible. You can contact:

Rhona Moir
Assistant Clerk to Northern Joint Police Board
Chief Executive's Office
The Highland Council
Council Headquarters
Glenurquhart Road
Inverness IV3 5NX

Tel: 01463 702123
Fax: 01463 702182
Email: rhona.moir@highland.gov.uk

Any complaint will be acknowledged within three working days of receipt and we will respond in full within twenty working days.

You have legal rights to access information under this scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing* or another recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner's website has a guide to this three step process, and he operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. His office can be contacted as follows:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Tel: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

*verbal requests for environmental information carry similar rights.

SECTION 11: HOW TO ACCESS INFORMATION WHICH IS NOT AVAILABLE UNDER THIS SCHEME

If the information you are seeking is not available under this publication scheme, then you may wish to request it from us. The Freedom of Information (Scotland) Act 2002 (FOISA) provides you with a right of access to the information we hold, subject to certain exemptions. The Environmental Information (Scotland) Regulations 2004 (EIRs) separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold. Again, these rights are subject to certain exceptions or exemptions.

Should you wish to request a copy of any information that we hold that is not available under this scheme, please write to:

Rhona Moir
Assistant Clerk to Northern Joint Police Board
Chief Executive's Office
The Highland Council
Council Headquarters
Glenurquhart Road
Inverness IV3 5NX

Email: rhona.moir@highland.gov.uk

Charges for information which is not available under the scheme:

The charges for information which is available under this scheme are set out under *Section 6 – Our Charging Policy*. If you submit a request to us for information which is not available under the scheme the charges will be based on the following calculations:

General information requests:

While FOISA does allow us to charge a fee for the provision of information that is not available under the terms of the Publication Scheme, the Northern Joint Police Board has chosen not to do so. Northern Joint Police Board will therefore not levy any charge for information which costs us £600 or less to process. Information requests that cost us more than £600 to process will generally be refused.

Charges for environmental information:

We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.

In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to the Northern Joint Police Board of providing the information. However, as with requests for information processed under FOISA, requests for environmental information costing us £600 or less to process, based on a maximum hourly rate of £15, will be provided without cost.

Where it would cost more than £600 to provide the information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

Requests for your own personal data:

You are entitled to request your personal data from the Northern Joint Police Board under the Subject Access provisions contained in Section 7 of the Data Protection Act 1998. Northern Joint Police Board does not charge a fee for the processing of subject access requests.

SECTION 12: CLASSES OF INFORMATION

Master Information Class **WHO WE ARE**

Section Title	Information Items	Description	Refresh and retention details
Board's current membership	Details of membership	Names of Board members http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs
Contact details	Northern Joint Police Board contact details	Contact names, addresses, phone numbers and email addresses for Northern Joint Police Board – via Register of Interests links to each constituent Council's web site http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs

Master Information Class **WHAT WE DO**

Section Title	Information Items	Description	Refresh and retention details
Role and responsibilities	The Board's role and statutory responsibilities	Summary outlining the role of the Board and its statutory responsibilities http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs

Section Title	Information Items	Description	Refresh and retention details
Meetings	Calendar of Board meetings	Timetable of meetings for the Board containing dates and locations http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs
	Agendas and Reports	Copies of agendas and reports of business considered by the Board and its sub-committees (except for Reports which are confidential or exempt under the provisions of the Local Government (Scotland) Act 1973 http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Electronic copies of Agendas and Reports will be retained on the publication scheme for the current and previous years back to 2005.
	Minutes	Copies of the minutes of the business considered by the Board and its sub-committees http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Minutes will be posted when approved, normally at the next meeting. Electronic copies of the Board Minutes will be retained on the publication scheme for the current and previous years back to 1996.
	Committee Structure and terms of reference	Details of the membership of the Board's sub-committees and Working Groups, whose remits can be found in the Board's Scheme of Delegation (listed under Publications) http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs

Section Title	Information Items	Description	Refresh and retention details
Rules as to how members carry out their responsibilities	Members' Code of Conduct	Code setting out how members are required to conduct themselves in undertaking their duties in public office http://www.scotland.gov.uk/Publications/2002/04/14492/2559	Current information, update when change occurs
	Members' Register of Interests	Details of interests declared by members, via links to their home Council's Register of Interests http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information from date of appointment, update when change occurs

Master Information Class	POLICIES AND SCHEMES
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Section Title	Information Items	Description	Refresh and retention details
Policies	Policy Documents	<p>Copies of the Board's formally approved policies, where developed, which set out the broad principles of our approach to making decisions or dealing with particular issues or aspects of our work</p> <p>http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard</p>	Current information, update when change occurs
	Standing Orders and Financial Regulations	<p>The Board's Standing Orders and Financial Regulations govern how the administration of the Board is conducted</p> <p>http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard</p>	Current information, update when change occurs
Equality Schemes	Race Equality Scheme	<p>The Board is required to maintain a Race Equality Scheme in terms of the Equalities legislation (reviewed 2008) and to report on it annually</p> <p>http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard</p>	Current information, update when change occurs
	Disability Equality Scheme	<p>The Board is required to maintain a Disability Equality Scheme in terms of the Equalities legislation and to report on it annually</p> <p>http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard</p>	Current information, update when change occurs
	Gender Equality Scheme	<p>The Board is required to maintain a Gender Equality Scheme in terms of the Equalities legislation and to report on it annually</p> <p>http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard</p>	Current information, update when change occurs

Section Title	Information Items	Description	Refresh and retention details
Finance	Reports	Copies of reports published by the Board in relation to its financial administration including Statement of Accounts, Annual Capital Budget and Annual Revenue Budget http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Electronic copies will be retained on the publication scheme for the current and previous years back to 2005.
Audit	Reports	Copies of reports in relation to the audit of the Board's administration including internal audit annual assurance statements and Annual Report from the External Audit Available on request	Electronic copies will be retained on the publication scheme for the current and previous years back to 2005.
Procurement Information	Procurement policies and procedures	The Board's Contract Standing Orders and Financial Regulations govern the procurement and tendering processes http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs
	Contracts awarded	Information on contracts awarded following a tendering process, as required in the Board's Standing Orders and Financial Regulations, including: <ul style="list-style-type: none"> • nature of works/goods/services provided • name of the contractor http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Electronic copies will be retained on the publication scheme for the current and previous years back to 2005.

Section Title	Information Items	Description	Refresh and retention details
Independent Custody Visiting Scheme	Independent Custody Visiting Scheme Guidelines	Guidelines for the Independent Custody Visiting Scheme setting out the purpose of the Scheme and how it operates http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs
	Applicant information	General information about the process for becoming an Independent Custody Visitor, application form and person specification http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs
	Applications	Details of how to apply http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard	Current information, update when change occurs