

Freedom of Information Act and Environmental Information Regulations Policy Equality Impact Assessment

Section A: Assessment

Name of Policy - Freedom of Information Act and Environmental Information Regulations Policy

Person/persons conducting this assessment with Contact Details

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Date 26/1/15

1. The Policy

Is this a new or existing policy?

This is a review of an existing policy

What is the purpose of the policy?

To ensure that Cardiff and Vale University Health Board (the UHB) fully meets the legislative requirements in respect of the Freedom of Information Act 2000 and Environmental Information Regulations

How do the aims of the policy fit in with corporate priorities? i.e.

Corporate Plan

There is a legal obligation on the organisation to comply with legislation, and in ensuring that all the requirements of the Act are complied with the UHB will be able to demonstrate its commitment to act in an open and transparent manner in respect of the information it produces and the decisions that it makes.

This policy falls under the Information Governance Policy and Operational Management and Responsibilities Procedure and the Information Governance Framework.

Who will benefit from the policy?

The UHB will benefit from the policy as its reputation for being an honest and open organisation will be evidenced from the volumes of information that will be provided within the public domain.

Staff will benefit as they will have detailed information on how the Act will be managed within the organisation

The public will benefit as they will have access to vast amounts of information which will help them to understand how the UHB is run, how it makes its decisions and how it spends public money.

What outcomes are wanted from this policy?

- Robust arrangements to ensure that the UHB fully meets legal obligations

- Staff being aware of the processes in place to manage the legal requirements of the Act and associated regulations
- Issues relating to communication/language difficulties or inability to access electronic documents through the UHB's website to be address them
- Enable to demonstrate compliance with the legislation
- Ensure there are robust processes in place to adequately manage the requirements of the legislation

Are there any factors that might prevent outcomes being achieved? (e.g. Training/practice/culture/human or financial resources)

Any restrictions in the current staffing levels of the team who complete the required actions would impact the outcomes of the policy

Availability of information to persons who may have visual impairment, learning difficulties or require information in any other language than English

2. Data Collection

What qualitative data do you have about the policy relating to equalities groups (e.g. monitoring data on proportions of service users compared to proportions in the population)?

What quantitative data do you have on the different groups¹⁶ (e.g. findings from discussion groups, information from comparator authorities)?

Please indicate the source of the data gathered? (e.g. Concerns/Service/Department/Team/Other)

What gaps in data have you identified? (Please put actions to address this in your action plan?)

In search of qualitative data this policy will be posted on the Intranet for consultation and comments. In addition consultation has taken place through the Information Governance Sub Committee.

No impact has been identified by the general circulation in the first consultation in October 2014. The author has researched the internet to identify approved Freedom of Information Act Policies and Procedures for a cross section of public bodies in January 2015. This includes a range of NHS organisations.

The list below, though not exhaustive represents the impact that was found in regard to a policy of this nature. All have judged their Freedom of Information Act Policies and procedures as having no impact on equality groups.

However, some did point to issues of communications that would require attention. This is looked at more closely in section 3 and also within in the action plan and mitigating aspects in section 4. Charnwood identified there could be impact on homeless individuals as there is a legal requirement to provide a name and address for requests

26/1/15

Documents for evidence

Metropolitan Police Force - May 2011 review 2013 full impact completed
http://www.met.police.uk/foi/pdfs/policies/information_management_compliance_sop_impact.pdf

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=2301&p=0>
March 2007 – reviewed January 2011

Epsom and St Helier University Hospitals NHS Trust - May 2012
[Fol policy - Epsom and St Helier University Hospitals NHS Trust](#)

Charnwood Borough Council – August 2006
http://www.charnwood.gov.uk/files/documents/equality_impact_assessments_freedom_of_information_and_data_protection_policies/Equality%20Impact%20Assessment%20-%20Freedom%20of%20Information%20%26%20Data%20Protection%20Policies.pdf

University of the Highlands and Islands Moray College – July 2009
<http://www.moray.uhi.ac.uk/about-us/publications/equality-impact-assessment/ia-freedom-of-information-policy/view>

Guildford College Group
<http://www.gcgrp.net/Assets/Docs/EqualityDiversity/EqualityImpactAssessmentFOIPolicy.pdf>

Rotherham Doncaster and South Humber NHS Foundation Trust
22/12/12
<http://www.rdash.nhs.uk/wp-content/uploads/2014/04/Freedom-of-Information-Policy.pdf>

Hampshire Constabulary – January 2014
<http://www.hampshire.police.uk/internet/asset/8a9bb8c0-b3a9-4e82-a904-c08f149b6371/02109AD203.pdf>

Kent Community Health NHS Trust 17 June 2014

Colchester Borough Council – January 2011
<http://www.colchester.gov.uk/CHttpHandler.ashx?id=2301&p=0>

3. Impact

Please answer the following

Consider the information gathered in section 2 above of this assessment form, comparing monitoring information with census data as appropriate (see www.ons.gov.uk Office National Statistics website) and considering any other earlier research or consultation. You should also look at the guidance in Appendix 1 with regard to the protected characteristics **stating the impact and giving the key reasons for your decision.**

Do you think that the policy impacts on people because of their age? (This includes children and young people up to 18 and older people)

The policy applies equally to all individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of information governance management. There has not been any impact on individuals because of their age identified as a result of this policy being in place.

In respect of communication, children who are too young to read and/or understand issues around their information will need to be supported by parents or carers and clinical teams.

In terms of older people we know from the evidence provided that there is a likelihood that this group may suffer from long term health conditions that may include sensory loss issues. With this in mind we will need to take account of communication issues in regards to disability. See disability section below. The source information can be found in the Health Boards Integrated Medium Term Plan at <http://www.cardiffandvaleuhb.wales.nhs.uk/opendoc/238332>

Do you think that the policy impacts on people because of their caring responsibilities?

In respect of communication, carers may require access to information in appropriate media formats in order to support family members/patients with disabilities

Do you think that the policy impacts on people because of their disability? (This includes Visual impairment, hearing impairment, physically disabled, Learning disability, some mental health issues, HIV positive, multiple sclerosis, cancer, diabetes and epilepsy.)

There may be a need to provide information in a non standard format to accommodate individuals with visual impairment if this is requested.

In respect of communication the UHB will need to ensure, that information can be made available in different formats if and when required this will include for individuals who are visually impaired and a need to provide information in a larger font or in Braille, for example.

Do you think that the policy impacts on people because of Gender reassignment? (This includes Trans transgender and transvestites)

The policy applies equally to all individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of information governance management. There has not been any impact on individuals because of gender reassignment identified as a result of this policy being in place.

However the UHB is aware of Section 22 of the Gender Recognition Act which says that:

'It is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person.'

The UHB is also aware that it is not an offence to disclose information obtained if the information does not enable the person to be identified and other exceptions and would be mindful of these issues.

<http://www.equalityhumanrights.com/your-rights/equal-rights/transgender/transsexual-people-your-rights-relating-to-privacy>

Do you think that the policy impacts on people because of their being married or in a civil partnership?

The policy applies equally to all individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of information governance management. There has not been any impact on individuals because of them being married or in a civil partnership identified as a result of this policy being in place.

Do you think that the policy impacts on people because of their being pregnant or just having had a baby?

The policy applies equally to all individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of the Freedom of Information Act and Environmental Information Regulations. There has not been any impact on individuals because of them being married or in a civil partnership identified as a result of this policy being in place.

Do you think that the policy impacts on people because of their race? (This includes colour, nationality and citizenship or ethnic or national origin such as Gypsy and Traveller Communities.)

The policy applies equally to all individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of the freedom of Information Act and Environmental Information Regulations. There has not been any impact on individuals because of their race identified as a result of this policy being in place. However it is acknowledged that in respect of individuals who do not use or understand English there will need to be a process to provide information in the preferred language of the individual whilst considering the difficulties of translating and understanding. There may also be a need to provide information in an easy to read format, particularly for individuals who may have learning difficulties and/or disabilities.

Do you think that the policy impacts on people because of their religion, belief or non-belief? (Religious groups cover a wide range of groupings the most of which are Buddhist, Christians, Hindus, Jews, Muslims, and Sikhs. Consider these categories individually and collectively when considering impacts)

The policy applies equally to all individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of the Freedom of Information Act and Environmental Information Regulations.

There has not been any impact on individuals because of their religion identified as a result of this policy being in place.

Do you think that the policy impacts on men and woman in different ways?

The policy applies equally to individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of the Freedom of Information Act and Environmental Information Regulations. The evidence suggests there is no differing impact on men than women as a result of this policy being in place. However, the concerns noted in regard to the gender reassignment characteristic may also be applicable for this characteristic.

Do you think that the policy impacts on people because of their sexual orientation? (This includes Gay men, heterosexuals, lesbians and bisexuals)

The policy applies equally to all individuals. Its application requires strict adherence to legal obligations, regulations and guidance in respect of the Freedom of Information Act and Environmental Information Regulations. There has not been any impact on individuals because of their sexual orientation identified as a result of this policy being in place.

Do you think that the policy impacts on people because of their Welsh language? The UHB must ensure that individuals who wish to communicate through the medium of Welsh have a means to do so as specified within our Welsh Language Scheme and it is recognized there may be a need to provide translated information to accommodate individuals who are unable to read or understand English.

4. Summary.

Which equality groups have positive or negative impacts been identified for (i.e. differential impact). The policy has been assessed and one theme that may potentially impact negatively on some equality groups is identified as the need for information to be made available in a range of formats, media and languages if required. There has been one other impact identified following research and this relates to disadvantaged groups such as those who may be homeless or not have an e-mail account so can't provide an address for correspondence; or don't have access to the internet so are not aware of the publication scheme or can't read or write.

Is the policy directly or indirectly discriminatory under the equalities legislation? There appears to be no direct or indirect discrimination emanating from this policy other than the impact described above.

If the policy is indirectly discriminatory can it be justified under the relevant legislation? N/A

Appendix 1

Cardiff and Vale University Health Board Action Plan

Section B: Action

5. Please complete your action plan below. Issues you are likely to need to address include

•What **consultation** needs to take place with equality groups (bearing in mind any relevant consultation already done and any planned corporate consultation activities?)

- Key individuals within HR and Corporate Departments
- Information Governance Sub Committee members
- Corporate communications team
- Equality Manager
- This assessment and the associated Policy and procedure documents will be posted on the Intranet for comments.

• What **monitoring**/evaluation will be required to further assess the impact of any changes on equality target groups? Ongoing monitoring of requests to identify any further adjustments to processes that may be required.

Equalities Impact Assessment Implementation Mitigation/Action Plan

| Issue to be addressed | Responsible Officer | Action Required | Timescale for completion | Action Taken | Comments |
|-----------------------------|---------------------|---|--------------------------|------------------------|----------|
| Requests in other languages | Ann Morgan | Translations are completed and responses issued within legislative time scales | Completed as required | Built into Fol process | |
| Disadvantaged groups | Ann Morgan | Document an alternative process for accepting requests from individuals who are unable to provide address details | April 2015 | Built into Fol process | |

6. Report, publication and Review

Please record details of the report or file note which records the outcome of the EQIA together with any actions / recommendations being pursued (date, type of report etc)

Information Governance Sub Committee Minutes
PPD Minutes

Please record details of where and when EQIA results will be published

This policy will be placed on both the intranet and internet after the approval process has been given.

Please record below when the EQIA will be subject to review.

Three years after date of approval.

Name of person completing Ann Morgan _____

Signed _____

Date: _____

Name of Responsible Executive/Clinical Board Director Authorising Assessment and Action Plan for publication

Signed: _____

Date: _____

Appendix 2

Executive Summary

A comprehensive assessment has been undertaken of the potential impact of how the Freedom of Information Act will be adhered to within the organisation. Consultation was undertaken with a range of key personnel. See details below.

Executive Directors

Information Governance Sub Committee members

UHW Equality Advisor

Human Resources Managers

Clinical Boards Heads of Operation and Clinical Board Directors

Welsh Language Officer

Posting consultation on the Intranet site

Internet research has been undertaken of comparable organisations in the NHS, local authorities, educational organisations and many others of which have now published EQUI or equivalent assessment. Of the organisations identified as publishing assessments 100% have reported neutral or no impact. However it has been identified there will be some issues in regard to communication for certain groups and in relation to those who may not have any address for communication.

Background

This policy and the associated procedures will ensure that Cardiff and Vale University Health Board (the UHB) fully discharges its legal obligation in respect of the Freedom of information act 2000 and the Environmental Information Regulations.

The Freedom of information Act sets out the commitment to ensure that public bodies are transparent and open about their processes and their decision making arrangements in the context of being accountable for spending public money.

The EQIA was consulted upon within the UHB

The scope of the EQIA

The likely effects were assessed by reference to the comments made from internal staff and the outcomes of the research.

Internal consultation and internet research of published policies and associated EQUI or equivalent.

The assessment looked at the potential impact of how the Freedom of Information Act and the Environmental Information Regulations would be dealt with and managed within the UHB to ensure compliance with legislative requirements place upon the organisation. Consultation was undertaken with a range of key personnel.

Key findings

The EQIA found that overall there was a neutral impact with the exception of communication issues for individuals not speaking English and disadvantaged individuals with no address details. An action plan has been produced to mitigate against these impacts.

Recommendations

It is recommended that the policy and associated procedures be approved.