



## Freedom of Information Act 2000

# Guide to information provided by NHS optical contractors under the model publication scheme

### **Introduction**

The Freedom of Information Act 2000 (FOIA) requires all public authorities to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) introduced a single generic model publication scheme, for adoption by all public authorities that are subject to FOIA.

The model publication scheme commits a public authority to '*produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public*'. This is a very general scheme based on the principle that all public authorities need to recognise the public interest in the transparency of the services provided for and paid for by the general public. It is a commitment to make information easily available to the public.

Those providing general ophthalmic services under contract to the NHS in England, Wales and Northern Ireland are public authorities in respect of information relating to those services.

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**Note: The publication scheme is only for information held as a public authority.**

The [Model publication scheme](#) is available on the ICO website. Further details are available in ICO guidance: [Using the definition documents](#).

The model scheme must be adopted in full, unedited and promoted alongside the guide to information. Public authorities are not required to inform the ICO that they have adopted the scheme; we will assume they have done so unless we hear otherwise.

**A public authority is in breach of FOIA if it has not adopted the model scheme or is not publishing in accordance with it.**

To assist optical contractors, we have produced this template guide to information. The template will help them to draw up their guide to information, indicating what information they will provide, how it will be provided and whether any charge will be made for its provision. They should consider expanding elements of it to provide greater explanation and additional information, where this can be done. For example, if there are specific plans for the provision of NHS services these could be detailed. It is not necessary to submit the guide completed by the firm or practice to the ICO for approval.

This and the model scheme document itself form the basis of the publication scheme commitment by NHS optical contractors.

**Information included in the guide to information**

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The template lists the information we think that optical contractors should hold and make available within each class. When completed, this will provide a list of all the information the optical contractor will make routinely available, explain how it can be accessed and whether or not a charge will be made for it. They must:

- state how the specific information can be obtained and if there is a cost involved;
- complete the relevant columns in the template guide; and
- ensure the public can access the completed guide and the information listed in it.

The guide, like the model scheme document itself, does not need further approval by the Information Commissioner.

Optical contractors should note that they are not expected to routinely publish all information; for example, where they do not hold it or where it is publicly available elsewhere or is exempt. We list such circumstances below.

We would expect optical contractors to make the information in the guide available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (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 optical contractor or on their behalf. The optical contractor must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or

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- it would be impractical or resource-intensive to prepare the material for routine release.

If the information is only held by another public authority, the optical contractor should provide details of where to obtain it.

For guidance on responding to requests for personal data, please refer to [the Subject Access code of practice](#).

### **Datasets: publishing datasets for re-use**

Public authorities, including optical contractors, 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 dataset provisions in FOIA](#). This explains what is meant by "not appropriate" and "capable of re-use".

**Comment [VA1]:** The provisions on datasets are new since 1 September 2013 and are standard to all the revised definition documents

## Fees and charging

Information available through an optical contractor's publication scheme should be readily available at a low cost or at no cost to the public. If they do charge for this information, we expect the charges to be justifiable, clear and kept to a minimum.

Charges may be made for activities such as printing, photocopying and postage as well as information that the optical contractor is legally authorised to charge for. Anyone requesting information must be informed of any charge before the information is provided. Optical contractors may ask for payment before providing the information. Guidance on our website: [Charging for information in a publication scheme](#) provides more details.

If the optical contractor charges a fee for licensing the re-use of datasets, they should state in the guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. They cannot charge a re-use fee if they make the datasets available for re-use under the Open Government Licence.

**Comment [VA2]:** Standard datasets wording

## FOI requests and the publication scheme

It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide to information can still be requested and should be made available unless it can be legitimately withheld.



Information available from (*insert name of person or firm providing NHS optical services*) under the Freedom of Information Act model publication scheme

Information covered by this scheme is only about the general ophthalmic services we provide under contract to the National Health Service.

Information to be published	How the information can be obtained (eg hard copy, website)	Cost
<b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)  This will be current information only		
Company or practice background		

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Contact details for the practice (named contacts where possible with telephone number and email address (if used))		
Details of those providing NHS -funded services in the practice / firm:		
Opening hours		
<p><b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>For every sight test performed on behalf of NHS England the practice receives a set fee, which is fixed nationally. <a href="#">This practice also carries out the following enhanced services on behalf of NHS England: (list here if relevant, otherwise delete this sentence)</a>. The fees paid by NHS England for each service are available from the practice on request. The fees paid contribute towards optometrists' and staff salaries, equipment costs and other practice overheads. Information in this class will be published only where it is unlikely to adversely affect the commercial position of the firm or practice.</p>		



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<i>Full details of the company accounts can be found here (insert link to accounts). Only applicable for companies that publish their accounts.</i>		
Pay policy If applicable		
<b>Class 3 – What our priorities are and how we are doing</b>  To provide our patients with high quality eye care  A copy of our most recent patient feedback survey can be obtained contacting the practice directly (if available, otherwise delete sentence)		

**Comment [f3]:** Service are provided for set fee on an item basis. Any financial information on the aggregate service provided is commercially sensitive and not appropriate



<p>Plans for the development and provision of NHS services</p> <p>Any decisions made about the provision of NHS-funded services will be reflected in the services we provide and in the contract(s) held with NHS England/LHB.</p>		
<p>A rolling Post Payment Verification (PPV) audit is undertaken in conjunction with NHS England. An outline of this audit is available for those who wish to inspect it.</p>		
<p><b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)</p>		

**Comment [f4]:** Not applicable to optical practices

Current and previous year as a minimum		
Records of decisions made in the practice/firm affecting the provision of NHS services.		
<p><b>Class 5 – Our policies and procedures</b>            (Current written protocols, policies and procedures for delivering our services and responsibilities)</p> <p>Current information only.</p> <p>Here we have listed the policies we would expect practices/firms to have. Any additional policies should also be listed.</p> <p>Mark “not held” against any policies that are not actually held.</p>		
Policies and procedures about customer service		
Internal instructions to staff and policies relating to the delivery of		

**Comment [f5]:** This section will be completed as per which policies are held by each individual practice.



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services		
Policies and procedures about recruitment and employment of staff		
Equality and diversity policy		
Health and safety policy		
Complaints procedures (including those covering requests for information and operating the publication scheme)		
Records management policies (records retention, destruction and archive)		
"Practice policy on handling patient data"		
Policies and procedures for handling requests for information		
Additional policies held: <ul style="list-style-type: none"><li>• Practice lone worker policy</li></ul>		

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<ul style="list-style-type: none"><li>• Practice chaperone policy</li><li>• Practice child protection arrangements</li></ul>		
<b>Class 6 – Lists and Registers</b> Currently maintained lists and registers only		
We recognise that it is unlikely that optical contractors are going to have registers available for public inspection and while this remains the case “none held” can be entered in this section.		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice).		
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public)		

Comment [e6]: Not applicable

<p>Current information only</p> <p>All (company/practice name(s)) provide NHS-funded sight tests for those who are eligible. Patients may also be entitled to NHS vouchers that can be used against the purchase of spectacles or contact lenses as required. To find out if you are eligible for assistance please click here ---- (If you are putting this onto a website you can link to DoH NHS charges) or ask for details in any of our practices.</p> <p>The practice also provides the following NHS-funded enhanced services (list here and include charges).</p> <p>Appointments for sight tests can be booked over the phone, online, or by dropping into the practice/one of our practices. To find the address or phone number or your local practice, click here ---- (if you are putting this on your website, you can link this to your practice's contact details page. The address(es) and phone numbers of our practice(s) is/are:</p> <p>Opening hours are (insert) /can vary between practices and so please call to confirm.</p>		
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<p><b>Regular publications and information for the public:</b></p> <p>Information about optical and ocular conditions, sight tests, spectacles, and contact lenses can be found on (your website link/ a number of websites including <a href="http://www.college-optometrists.org">www.college-optometrists.org</a>).</p> <p>Some of this information is also available in patient leaflets. These are freely available from all/our practice(s). To request a set of leaflets by post, please write to: (insert practice address).</p>		