

Freedom of Information (Scotland) Act 2002

PUBLICATION SCHEME

Publication Scheme for Lothian and Borders Community Justice Authority

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1. INTRODUCTION

The Freedom of Information (Scotland) Act 2005 (the Act) received Royal Assent on 28 May 2003. The Act gives a general right of access to all types of recorded information held by Scottish public authorities, sets out exemptions from that right and places a number of obligations on public authorities which include the development of an approved Publication Scheme.

Section 23(1) of the Act states that:

“A Publication Scheme must specify:

- a) classes of information that the authority publishes or intends to publish;
- b) the manner in which information of each class is, or is intended to be, published; and
- c) whether the published information is, or is intended to be available to the public free of charge or on payment.”

Section 23 states that in adopting or reviewing its Publication Scheme, the Authority must have regard to the public interest in:

- a) allowing public access to information held by it and in particular to information which:
 - i relates to the services provided by the Authority, the cost of the services and the standards attained by these services; or
 - ii the facts, or the analysis of the decision making and the relative importance the decisions that have been made have to the public
- b) the publication of the reasons for decisions made by the Authority.

These principles and purposes have been adopted in the compilation of this publication scheme. The Lothian and Borders Community Justice Authority (hereinafter referred to as 'the Authority') has regard to the public interest in the information that the Authority holds. In the creation of this Publication Scheme, the Authority has been mindful of the value of openness and transparency. The Authority commends the publication of information via this Publication Scheme as a positive opportunity for the public to gain greater understanding about what the Authority does; how it operates and how it contributes to public life.

2. The Lothian and Borders Community Justice Authority

The Authority is a Scottish public authority as defined in Part 7 of Schedule 1 to the Freedom of Information (Scotland) Act 2002. It is one of eight new statutory bodies created by the Management of Offenders etc (Scotland) Act 2005 to be strategic planning and monitoring authorities for the provision of community justice services in Scotland. The Authority will plan, co-ordinate, monitor and report on the delivery of offender services across West Lothian, Midlothian, East Lothian, City of Edinburgh and Scottish Borders.

The Authority comprises of one elected representative from each of the five local authorities. As set down in The Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006, the Authority works in partnership with representatives from the five local authorities, including Criminal Justice Social Work, Lothian and Borders Police, NHS Lothian and Borders, Scottish Prison Service, Scottish Courts Service, Procurator Fiscal and Victim Support Scotland. The Authority sits quarterly. Dates for meetings are available by contacting the address below. All administration takes place at:

Lothian & Borders Community Justice Authority
Community Justice Centre
Rosetta Road
Peebles
EH46 8HL

Tel: 01721 726314

Fax: 01721 726309

Website: www.cjalb.co.uk

3. FORMULATION OF THE SCHEME

The Publication Scheme takes into account the requirements imposed on the authority in terms of the Freedom of Information (Scotland) Act 2002.

In considering what information should be included in the Scheme, the Authority took into account:-

- The terms of the Act
- The terms of the Management of Offenders etc. (Scotland) Act 2005

4. RESPONSIBILITY FOR THE PUBLICAITON SCHEME

The person responsible for the overall operation of the scheme is Mr Chris Hawkes, Chief Officer (01721 726315).

5. EXEMPTIONS

- a) All information included in the Scheme must be provided promptly on request (subject to the exemptions discussed in this section).
- b) The general entitlement to information under section 1 of the Freedom of Information (Scotland) Act 2002 enables any member of the public to make a request for information that is not in this Scheme.

The Authority's aim is to be as open as possible. However, information may be withheld from any of the classes of information listed below where we consider that the disclosure may fall within one of the exemptions contained in the Act. For example, we may withhold information if its disclosure would breach the law of confidentiality or prejudice substantially the authority's ability to perform a statutory function. We will also withhold information which is personal data under the Data Protection Act 1998. In these cases, we will withhold the information and indicate why the information is being withheld. Even where an exemption exists, it may nevertheless be possible to provide copies with the exempted information edited out. It should be noted that the operational management of criminal justice social work will remain the responsibility of each constituent local authority.

6. ARCHIVING POLICY

The Authority's Archiving Policy is as follows:

TYPE OF DOCUMENT	RETENTION PERIOD
Lothian & Borders Community Justice Authority Agendas	Permanent
Lothian & Borders Community Justice Authority Minutes	Permanent
Members' expenses	5 years

7. COPYRIGHT

Unless otherwise stated, the Authority reserves copyright in all information available under this Publication Scheme, whether that information is in electronic or hard copy format, text or graphics, and regardless of whether the copyright (©) symbol appears. The right to information under this scheme does not include permission to reproduce that information.

8. ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME

At present, not all the information available under this Publication Scheme can be downloaded online at www.cjalb.co.uk. However, it is the intention that at some future date all information will be downloadable. All information is available in hard copy form via the contact address at the top of the Scheme.

9. CHARGING POLICY

The Authority will not apply a cost for inspecting. There will be no charge for photocopying where the volume of copying is less than 10 A4 sides; thereafter copies will be charged at 10p per A4 side. These charges apply to all Classes of Information listed at paragraph 12 below.

10. STANDARD OF SERVICE

The Lothian & Borders Community Justice Authority is committed to Best Value in the service it provides.

11. COMPLAINTS AND FEEDBACK

Feedback, including complaints about this Scheme should be directed to:-

Mr Chris Hawkes
Lothian & Borders Community Justice Authority
Community Justice Centre
Rosetta Road
Peebles
EH46 8HL

Tel: 01721 726314
Fax: 01721 726309
Email: cjal&b@scotborders.gov.uk

In terms of the Authority's Scheme of Delegation, the Legal Adviser to Lothian & Borders Community Justice Authority – John Kerr, Partner/Corporate Group, Anderson Strathern - is authorised to determine reviews of decisions not to release information under the Freedom of Information (Scotland) Act 2002. The Legal Adviser can be contacted at:-

Anderson Strathern
Tel: 0131 625 7240

If we are unable to resolve any complaint you may also contact the Scottish Information Commissioner who oversees the Act and whose contact details are below. The general right of access came into effect from 1st January 2005 and introduced a formal appeal mechanism when information is withheld.

Further details on this are available on the Commissioner's website at <http://www.itspublicknowledge.info/> or by contacting them at the following address:

Scottish Information Commissioner
 Kinburn Castle
 Doubledykes road
 ST ANDREWS
 Fife
 KY16 9DS
 Tel: 01334 464610
 Fax: 01334 464611
 Email: enquiries@itspublicknowledge.info

12. CLASSES OF INFORMATION

Information	Format and Manner in which information is available
Who we are – details of the organisational structure, key personnel and Authority membership	Available for public inspection and on request in hard copy form at address detailed in paragraph 11. Downloadable from www.cjalb.co.uk
Members' expenses	Available for public inspection and on request in hard copy form at address detailed in paragraph 11.
Minutes of Authority meetings	Available for public inspection and on request in hard copy form at address detailed in paragraph 11. Downloadable from www.cjalb.co.uk
Reports to the Authority	Available for public inspection and on request in hard copy form at address detailed in paragraph 11. Downloadable from www.cjalb.co.uk Includes details of annual area plan, annual reports, policies, standing orders and schemes of delegation. N.B. Some items may be confidential.