



**REPORT TO:** IJB Audit & Risk Committee

**MEETING DATE:** 12 March 2024

**BY:** Chief Internal Auditor

**SUBJECT:** Internal Audit Report – ELIJB Publication Scheme

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## **1 PURPOSE**

- 1.1 To inform the Audit and Risk Committee of the recently issued audit report on the ELIJB Publications Scheme.

## **2 RECOMMENDATIONS**

- 2.1 The Audit & Risk Committee is asked to note the contents of the audit report.

## **3 BACKGROUND**

- 3.1 An assurance review of the Publications Scheme has been undertaken as part of the Audit Plan for 2023/24.
- 3.2 The main objective of the audit was to review the adequacy and effectiveness of the arrangements in place for the Publications Scheme within the East Lothian IJB.
- 3.3 The main findings from our audit work are outlined in the attached report which has been graded Limited Assurance.

## **4 ENGAGEMENT**

- 4.1 The findings from the review have been discussed with Management, but do not require wider engagement.

## **5 POLICY IMPLICATIONS**

5.1 None

## **6 INTEGRATED IMPACT ASSESSMENT**

6.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **7 DIRECTIONS**

7.1 The subject of this report does not require any amendment to or creation of Directions.

## **8 RESOURCE IMPLICATIONS**

8.1 Financial – None

8.2 Personnel – None

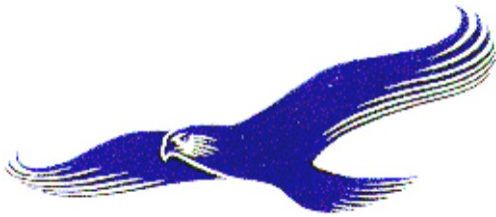
8.3 Other – None

## **9 BACKGROUND PAPERS**

9.1 None

Appendix 1: Internal Audit Report – ELIJB Publication Scheme

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<b>DATE</b>	4 March 2024



# East Lothian IJB Publication Scheme March 2024

**Conclusion**

Limited Assurance

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# 1 Executive Summary:

## Conclusion: Limited Assurance

The East Lothian IJB has adopted the Model Publication Scheme (MPS) and made a significant amount of information available to view online. Information has in the main been appropriately classified in the MPS and the associated Guide to Information also adheres to the six MPS Principles. The East Lothian IJB MPS has not been updated since 2017 and significant improvement opportunities have been identified relating to the review of the MPS and the information available, alongside a self-assessment exercise and training requirements.

### Background

In July 2015 East Lothian IJB (ELIJB) took on duties in the East Lothian Council area for development of integrated planning and delivery of health and social care. The Freedom of Information (Scotland) Act 2002 (FOISA) places a duty on Scottish public authorities to publish information proactively. Authorities must have regard to the public interest in the information they hold and make information available so it can be accessed without having to make a request for it under section 1 of FOISA. The duty to publish is in addition to the obligation to respond to requests for information.

In addition, the Environmental Information (Scotland) Regulations (2004) (the EIRs) require authorities to publish environmental information proactively, particularly information they hold in electronic formats.

The Scottish Information Commissioner has developed a Model Publication Scheme (MPS) to support Scottish public authorities to meet their publication scheme duties under both FOISA and the EIRs.

By adopting the MPS, authorities commit to publishing, as a minimum, specified types of information, through their own Guide to Information.

### Summary of findings & recommendations

The following key findings and recommendations are highlighted, which have all been **agreed by the General Manager, Planning and Performance - East Lothian Health and Social Care Partnership, Project Support Manager - East Lothian Health & Social Care Partnership and the Performance & Improvement Manager - East Lothian Community Health Partnership:**

- While it is noted that the Board has a documented MPS and Guide to Information, this is out of date and requires to be reviewed and presented to the Board for approval, before notifying the Scottish Information Commissioner. *Management have agreed to complete this in full by July 2024.*
- While the Board has made a significant amount of information available online, work is required to reestablish links to web pages elsewhere and ensure that information is correctly classified within the MPS. *Management will following review of the MPS reestablish all appropriate links by July 2024.*
- While the MPS has noted that the Board intends to develop records management and retention policies this has not yet been done. Also, there are several documents online that are now out-of-date or superseded. *Management have agreed to develop a records management policy by August 2024.*
- The current MPS has not explicitly stated that information can be made available in alternative formats, in line with the requirements of the Equality Act 2010. It was also noted that telephone contact numbers should be consistent. *Management have agreed to put this in place by May 2024.*
- Current activity and practice has not been assessed using the Scottish Information Commissioners self-assessment checklist. *Management have agreed to complete this assessment and develop an action plan from the assessment by September 2024.*

Recommendations Grade	High	Medium	Low	Total
Current Report	-	4	1	
Prior report	N/A	N/A	N/A	N/A

### Materiality

There are no reported resource implications from the 2022-25 Strategic Workforce Development Plan. Training and other related costs are likely to be covered within the current budget. Additionally, no further staffing is required, with the intention to address gaps using current workforce.

## 2 Headlines

Objectives	Conclusion	Comment
1. The IJB has made a corporate decision to adopt the MPS without amendment, with the Scottish Information Commissioner notified of this	Limited	While the current MPS is dated 29 May 2017, review of Board Papers from around this time could not confirm that the Board had approved/signed-off the ELIJB MPS without amendment. Furthermore, no review of the MPS had been carried out since then. Also, While an East Lothian IJB Model Publications Scheme Notification Form had been completed, this is also dated from 31 May 2017 and contains information that is incomplete or now out-of-date.
2. The IJB has identified its information that is covered by the MPS and any additional information in which there is a public interest in publication.	Limited	The IJB has identified within the documented MPS the classes of information that is to be held and made available for the public to view. However, this review has noted some observations requiring attention, including re-establishing electronic links to information and the appropriate classification of information.
3. The IJB has produced and published a Guide to Information, ensuring that the arrangements for publication meet the six MPS Principles.	Reasonable	The East Lothian IJB's Guide to Information has been incorporated into its MPS. Review of this against the six MPS Principals has noted that the Guide to Information has not included the provision of information under the Equality Act 2010 and where requests for information in alternative formats may be received, alongside the inclusion of accurate contact information. The required development of a records management and retention policy incorporating a comprehensive review of the information currently available through the IJB website has also been noted.
4. Arrangements are in place to maintain and update the IJB's Guide to Information or in response to any future changes to the MPS. The IJB has completed the Scottish	Reasonable	As the Guide to Information features as part of the Board's MPS, future review and update of the MPS should include the content of the Guide to Information.
5. Information Commissioners Self-assessment Toolkit to capture its publication activity and assess performance against publication standards.	Limited	While most of the Self-assessment Toolkit is centred around responding to Freedom of Information Requests (which are the responsibility of NHS Lothian and East Lothian Council), Module 4 of the Toolkit focuses on helping authorities to meet their duty to actively publish information. the Board has not considered the Module questions and assessed its publication activities to record evidence, strengths and areas for improvement.
6. Training is provided to relevant staff to ensure that the IJB publishes only information that is relevant and appropriate	Limited	A training needs analysis has not been carried out to identify any training requirements required by staff. However, it is noted that the self-assessment exercise includes this and training requirements will be addressed following completion of the self-assessment.

### 3 Areas where expected controls are met/good practice.

No.	Areas of Positive Assurance
1.	The Board has placed a significant amount of information on the HSCP website, including its Strategic Plan, meeting papers, annual accounts, registers of members interests and annual performance reports.
2.	The MPS has clearly stated the classes of information that is available to view, the Board has also through its MPS imposed the six principles which govern the way it makes its information available through the Guide to Information.

# 4 Detailed Recommendations

## Documented Model Publication Scheme

Objective: 1	The IJB has made a corporate decision to adopt the MPS without amendment, with the Scottish Information Commissioner notified of this	Grade	Recommendation
<p>The East Lothian IJB Model Publication Scheme (MPS) was obtained and reviewed. While the current Publication Scheme is dated 29 May 2017, review of Board Papers from around this time could not confirm that the Board had approved/signed-off the ELIJB Publication Scheme without amendment. Furthermore, no review of the MPS had been carried out since then.</p> <p>While an East Lothian IJB Model Publications Scheme Notification Form had been completed, this is also dated from 31 May 2017 and contains information that is incomplete or now out-of-date, for example:</p> <ul style="list-style-type: none"> <li>• The Form has not recorded the website address to the IJB’s Guide to Information</li> <li>• Contact details are included for the Chief Officer in place in 2017, and not the current Chief Officer.</li> <li>• The details recorded of the ELIJB Communication Officer with responsibility for FOI request in the Notification Form are noted as out-of-date.</li> </ul> <p>The documented MPS has also made reference to the South Lanarkshire Integration Joint Board. Most likely the result of using the template of the South Lanarkshire IJB MPS as a guide for the East Lothian IJB.</p> <p>While the current MPS is available through the ELIJB website as follows, It is not accessible through website home page and is instead listed under the ‘IJB Documents’ section.</p> <p>Without an up-to-date publication scheme, there is a risk that the East Lothian IJB cannot be considered to have properly adopted the Commissioner’s MPS and may be failing in its duty to adopt and maintain a publication scheme in line with section 23(1) of FOISA.</p>		<b>Medium</b>	<p><b>1.1 Management should arrange for the review and update of the East Lothian IJB’s Model Publication Scheme. Including a schedule agreed for its ongoing review</b></p> <p><b>Thereafter the MPS should be presented to the Board for approval and notification sent to the Scottish Information Commissioner.</b></p> <p><b>Once done, the Model Publication Scheme should be positioned on the IJB website’s home page.</b></p>

Management response	Responsible officer & target date
<p><b>1.1 Agreed – A full review and update of the Model Publication Scheme will take place to bring this up to current date and a schedule for annual review included. The MPS will be presented to the IJB for approval, thereafter an updated notification form sent to the Scottish Information Commissioner. The updated MPS will be made available in a prominent place on the IJB web pages of the ELC website.</b></p>	<p><b>General Manager - Planning &amp; Performance</b>  <b>MPS update – May 2024</b>  <b>IJB approval – June 2024</b>  <b>Scottish Information Commissioner notification – July 2024</b>  <b>IJB website publication – July 2024</b></p>



# 4 Detailed Recommendations

## Content of the MPS and access to information

Objective 2	The IJB has Identified its information that is covered by the MPS and any additional information in which there is a public interest in publication	Grade	Recommendation
	<p>The IJB has identified within the documented MPS the classes of information that is to be held and made available for the public to view. Testing was carried out to review the MPS and compare this against the minimum advised by the Commissioner, alongside confirming that the information is readily available for the public to view. Some observations requiring attention are listed below:</p> <ul style="list-style-type: none"> <li>• The Freedom of Information section of the IJB website includes links to East Lothian Council and NHS Lothian Freedom of Information pages, however NHS Lothian link does not work (page cannot be found).</li> <li>• Under the Governance Section of the IJB website there is a link to the Board’s Integration Scheme. However, clicking on the link takes the viewer to its Freedom of Information page.</li> <li>• The documented MPS has not included the relevant links to the documents /information that is available online, despite the document noting that they are to be accessible via the web.</li> <li>• The documented MPS has made reference to Freedom of Interest under Class 1 (About the authority) and 2 (How it delivers its functions and services).</li> <li>• IJB Meetings are referenced under both Class 1 and 3 (How it takes decisions and what is decided) in the documented MPS.</li> <li>• The IJB’s Financial Plans are not available through its website. Also, the documented MPS makes reference to the Financial Plan 2016/17.</li> <li>• There is no information available through the East Lothian IJB website to advise the public of subject access requests, which are made through either East Lothian Council or NHS Lothian. Despite this being included within the MPS.</li> </ul> <p>There is a risk that reduced accessibility to information will result in the IJB not making as much information available as possible, including access to specific advice and guidance</p>	<b>Medium</b>	<p><b>2.1 The recommended review and update of the MPS should include ensuring that all links included in the IJB website are operational and correct.</b></p> <p><b>Management should also identify the most appropriate classes to assign information to and ensure that this is reflected in the MPS.</b></p> <p><b>Management should ensure that under Class 4 (What they spend and how they spend it), the most up-to-date ELIJB Financial Plan is available.</b></p> <p><b>Clear guidance around the submission of subject access requests should be available through the IJB website.</b></p>

Management response	Responsible officer & target date
<p><b>2.1 – Agreed. All recommendations will be carried out as part of the review and update to the MPS. This will include a review of external links and broken links, appropriate assignment of information to classes, publication of the most up to date IJB financial plan, and clear instruction on how to make a subject access request for personal information.</b></p>	<p><b>General Manager - Planning &amp; Performance</b>  <b>MPS update – May 2024</b>  <b>IJB Financial Plan – June 2024</b>  <b>Subject Access Request – July 2024</b></p>

# 4 Detailed Recommendations

## Review of Information

Objective 3	The IJB has produced and published a Guide to Information, ensuring that the arrangements for publication meet the six MPS Principles	Grade	Recommendation
	<p>Information categorised under Class 5 of the MPS is related to how the Board manages its human, physical and information resources. This Class is related also to the 6<sup>th</sup> MPS Principle, which seeks to ensure that the Board has in place a process for reviewing its published information.</p> <p>While the documented MPS has made reference and provided a link to East Lothian Council’s Schedule for the Retention and Destruction of Records, the link to this does not work. Also, there is no similar link included to the NHS Lothian Record Management Policy.</p> <p>Furthermore, The Guide to Information within the documented MPS had noted that ‘it will over the coming months develop records management and retention policies which will be applied to the management of information held by the Board’. However, to date this has not been developed.</p> <p>Also, there is no routine review of the Board’s published information to ensure that superseded, out-of-date or no longer relevant information has been removed. For example, the annual accounts from financial Year 2016/17 to 2022/23</p> <p>There is a risk that without routine review of the Board’s Guide to Information and the information available online that it becomes out-of-date and no longer relevant, or that the volume of information held is confusing to the viewer.</p>	<b>Medium</b>	<p><b>3.1 Management should progress with the development of the IJB’s records management and retention policies. Once done they should be approved by the appropriate Board/Committee and published.</b></p> <p><b>Thereafter a comprehensive review of the information held online by the IJB should be reviewed and indexed. Information that is no longer relevant should be removed.</b></p>

## Management response

**3.1 Agreed. Development of the IJB Records Management Policy will be completed and a draft submitted to the IJB for approval, thereafter, links to the ELC and NHSL Schedule / Policy made available through the IJB web pages.**

**Carry out a review of the information available on the website following approval and information removed that is no longer required. A schedule will be established for routine maintenance of the information available online.**

## Responsible officer & target date

**General Manager - Planning & Performance  
Records Management policy – August 2024**

**Senior Communications Advisor  
Website review – September 2024**

# 4 Detailed Recommendations

## Accessibility and Contact

Objective 3	The IJB has produced and published a Guide to Information, ensuring that the arrangements for publication meet the six MPS Principles	Grade	Recommendation
	<p>Similar to the Board’s classification of information within the MPS, work was carried out to assess the Board’s Guide to Information, and how this meets all six MPS Principles.</p> <p>Under Principle 1 (Availability and formats). arrangements are in place for people who cannot reasonably access the information online or by inspection at the premises. However, it is noted that the Guide to Information has not included the provision of information under the Equality Act 2010 and where requests for information in alternative formats may be received. Although staff have advised that in these instances the appropriate partner communications teams will be contacted to assist.</p> <p>Also, Principle 5 (Advice and assistance) requires the Board to include contact details for enquiries about any aspect of the MPS or Guide to Information. While the postal and email addresses are correct. There are two different telephone numbers recorded within the Guide/MPS and IJB website. While the guide has included the telephone number 01620 827755, a second number has also been provided through the website (01875 824309). While 01620 number is for the HSCP Communications Team and therefore correct, the 01875 number takes the caller to East Lothian Council’s contact centre.</p> <p>There is a risk that members of the public that require information in alternative formats are unaware this this is available and they are unable to access information.</p> <p>There is also a risk that incorrect contact details may prevent enquiries from reaching the appropriate person or team.</p>	<b>Low</b>	<p><b>3.3 Management should ensure that the Guide to Information contained within the Model Publication Scheme clearly states that information can be provide in alternative formats that comply with the Equality Act 2010.</b></p> <p><b>Staff should also ensure that there is consistency around the contact details recorded within the documented MPS and online.</b></p>

### Management response

**4.1 Agreed. All recommendation will be carried out as part of the review and update to the MPS**

### Responsible officer & target date

**General Manager - Planning & Performance  
MPS update – May 2024**

## 4 Detailed Recommendations

### Self-assessment and Training

Objective 5	The IJB has completed the Scottish Information Commissioners Self-Assessment Toolkit to capture its publication activity and assess performance against publication standards	Grade	Recommendation
	<p>The Scottish Information Commissioners Self-Assessment Toolkit has been developed to help authorities to:</p> <ul style="list-style-type: none"> <li>• Capture current activity and practice.</li> <li>• Assess how well they are performing against a set of standards.</li> <li>• Improve their FOI practices, procedures and administrative arrangements.</li> </ul> <p>While most of the Toolkit is centred around responding to Freedom of Information Requests (which are the responsibility of NHS Lothian and East Lothian Council), Module 4 of the Toolkit focuses on helping authorities to meet their duty to actively publish information. This allows the public to find out easily what information they can access without having to make requests for it. Active publication supports better relationships with stakeholders and demonstrates openness and transparency.</p> <p>However, it is noted from this review that the Board has not considered the Module questions and assessed its publication activities to record evidence, strengths and areas for improvement. This includes identifying any training requirements necessary to ensure that staff are adequately informed of their responsibilities in publishing information that is relevant, easily accessible and complies with the Scottish Information Commissioner's guidance around the publication of information.</p> <p>There is a risk that without proper assessment of the Board's publishing requirements and activities information is either not routinely available that should be, or that staff are unaware of their duties and responsibilities in publishing data.</p>	<b>Medium</b>	<p><b>5.1 Management should complete the Module 4 of the Scottish Information Commissioner's Toolkit (Assessment Questions and Evidence Grid).</b></p> <p><b>Where necessary, an action plan should be developed to address any gaps identified by the assessment.</b></p> <p><b>Any training requirements identified from the exercise should also be taken forward.</b></p>

Management response	Responsible officer & target date
<p><b>5.1 Agreed. Module 4 of the Scottish Information Commissioner's Toolkit will be completed, and any action plan developed, including staff training where required.</b></p>	<p><b>General Manager - Planning &amp; Performance Toolkit &amp; training– September 2024</b></p>

# A Recommendation Grading/Overall opinion definitions

Recommendation	Definition
<b>High</b>	Recommendations relating to factors fundamental to the success of the control objectives of the system. The weaknesses may give rise to significant financial loss/misstatement or failure of business processes.
<b>Medium</b>	Recommendations which will improve the efficiency and effectiveness of the existing controls.
<b>Low</b>	Recommendations concerning minor issues that are not critical, but which may prevent attainment of best practice and/or operational efficiency.

Levels of Assurance	Definition
<b>Substantial Assurance</b>	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
<b>Reasonable Assurance</b>	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.
<b>Limited Assurance</b>	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited
<b>No Assurance</b>	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

## B Resource, acknowledgements & distribution list

Internal audit	
Service Manager, Internal Audit: Duncan Stainbank	Principal Auditor: Russell Richmond-McIntosh
Review Dates	Completed By /Date
Internal Audit Draft Report Submission	30 January 2024
Management Review Completion	28 February 2024
Final Report Issue	4 March 2024
Report distribution	
Audit & Risk Committee	Project Support Manager– East Lothian HSCP
Chief Officer – East Lothian IJB	General Manager, Planning & Performance - East Lothian HSCP
Audit Scotland	Performance & Improvement Manager – East Lothian HSCP

### Acknowledgements.

The weaknesses identified during the course of our audit have been brought to the attention of Management. The weaknesses outlined are those, which have come to our attention during the course of our normal audit work and are not necessarily all of the weaknesses, which may exist.

Although we include a number of specific recommendations, it is the responsibility of Management to determine the extent of the internal control systems appropriate to the East Lothian IJB Publications Scheme.

The content of this report has been discussed with the General Manager, Planning and Performance and Performance & improvement Manager - East Lothian HSCP to confirm factual accuracy. The assistance and cooperation received during the course of our audit is gratefully acknowledged.