



Redditch and Bromsgrove Clinical Commissioning Group

Please contact: Louise Booker
Email: MLCSU.FOITeam@nhs.net
Direct Tel: 01772 214 227

Barnsley Hall
Barnsley Hall Road
Bromsgrove
Worcestershire
B61 0TX

29 October 2018

Dear

**Re: Request for information under the Freedom of Information Act 2000
Ref no: CAS-03875-T7G3P5-RB**

Thank you for your correspondence dated 10 October 2018, making a request under the Freedom of Information Act 2000 for information which may be held by NHS Redditch and Bromsgrove Clinical Commissioning Group (CCG).

You requested the following information and our response is detailed below:

1. Do you have any guidance or policy for the public or service users to record calls when they speak to your staff or call centres Do you Inform Users they can record.
If the answer is no what is the reason for this please if so do send me a copy.

The CCG does not have specific guidance or policy for members of the public to record telephone calls.

2. if You have a Unacceptable Behaviour Policy and Procedure can you tell me if one of these are to object to telephone calls being recorded by the caller due to it being not necessary or unwanted or indeed the staff member feels threatened can you explain why you would have such Unacceptable Behaviour Policy and Procedure that goes against current uk law. If there is no policy why not or how do I find out why?

The CCG does not object to recordings as long as there is prior knowledge of the intent to record conversations and consent of the other person involved has been agreed.

3. Are your staff the majority of them who answer public calls or when meeting a member of public are staff aware of the policies and the laws ref telephone recordings using the relevant laws laid down by legislation. if the answer is no why not. This sort of training awareness is needed as most call centres social workers teachers police members of parliament are not aware recordings are aloud will you highlight the public is ok to record a 2 way call or will you let the confusion continue.

Staff are trained in the areas relevant to their role. This includes highlighting current legislation where this is relevant.

Redditch and Bromsgrove Clinical Commissioning Group

4. If you have no policy advice or framework for the above will you develop a policy etc if there is a policy send me one pls
Will you encourage the public to record a 2 way conversation if the answer is no why not.

While the CCG does not actively encourage members of the public to record every conversation, it does not object to members of the public recording conversations as long as consent is sought in advance.

5. What are your organizations views on charging the public in foi requests and data protection and subject access requests should their information request be free.
Under the Freedom of Information Act 2000, a public authority is expected to answer questions about information which it may or may not hold. However, we are unable to answer to someone's comments as this is subject to personal opinion and therefore may not be factual.

In most cases the CCG do not charge a fee for FOI (Freedom of Information), requests or Subject Access Requests, (SARs). However, where the request is manifestly unfounded or excessive, a "reasonable fee" can be charged for the administrative costs of complying with the request. The CCG can also charge a reasonable fee if an individual requests further copies of their data following a request. This fee must be based on the administrative costs of providing further copies.

What happens in a situation a benefit claimant or non waged person needs information what do you do to help them or someone who has no spare income.

The CCG do not normally charge a fee for FOIs or SARs.

Is it fair if the public record you then they should charge you for a copy of the recording or video the same fee you charge them.

The CCG do not normally charge a fee for FOIs or SARs.

Any tips and comments will help the public understand the uks public servants and business policies ref this subject.

The purpose of FOI legislation is not for the CCGs, (as a public authority) to provide views under FOI. The CCG's statutory obligation is to release information that may be held by the CCG. The GDPR and FOI Acts provide regulations on the ability to charge for elements where these apply, and the CCGs adhere to these as public authorities. The CCGs also make information readily available by publishing it on their website which can be accessed via the following link: <http://www.redditchandbromsgroveccg.nhs.uk/>

6. What do you do and what is your policy when a serious complaint against a staff member is made when a person complains about wrong doing and has evidence of foul play in your organization will you accept covertly or permission based Audio or video evidence in the case. Do you Fully investigate under public interest laws and take note of any criminal charges, if the answer is no why not. Do send me a copy of the policy.

The CCG's approach is set out in the Whistleblowing Policy available at <http://www.southworceccg.nhs.uk/south-worcestershire-ccg/counter-fraud-policies/?assetdet1306078=124546>

Right of appeal

Redditch and Bromsgrove Clinical Commissioning Group

Should you require any further information or clarification regarding this response, or do not feel that your request has been answered as you would expect, please contact the FOI team to discuss. However, if you remain dissatisfied with the service you have received in relation to your request and wish to request a review of our decision, this can be formally requested in writing and must be within a reasonable period of time (two calendar months) from the date this response was issued

Initially you should write to the freedom of information officer, either by email on MLCSU.FOITeam@nhs.net or post to Jubilee House, Lancashire Business Park, Leyland, PR26 6TR, specifying why you feel you have been wrongly denied access to the information requested. The freedom of information team will make sure your request is investigated by an independent reviewer who was not involved in the original consideration of your request and a written response will be provided within 20 working days.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioners Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by NHS Redditch and Bromsgrove CCG. The ICO can be contacted at:

Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
www.ico.gov.uk

Copyright and the Re-use of Public Sector Information Regulations

Most of the information that we provide in response to Freedom of Information Act 2000 requests will be subject to copyright protection. In most cases the copyright will be owned by NHS Redditch and Bromsgrove CCG. The copyright in other information may be owned by another person or organisation, as indicated in the information itself.

You are free to use any information supplied for your own use, including for non-commercial research purposes. The information may also be used for the purposes of news reporting. However, any other type of re-use, for example, by publishing the information or issuing copies to the public will require the permission of the copyright owner. For information where the copyright is owned by NHS Redditch and Bromsgrove CCG please submit a request in writing stating:-

- Name and address of applicant requiring permission for re-use of the information
- Full details of the document/information required for re-use sufficient for the NHS Redditch and Bromsgrove CCG to identify it
- The purpose for which the document/information is to be re-used

For information where the copyright is owned by another person or organisation, you must apply to the copyright owner to obtain their permission. However, if you require more information on copyright please see the ICO guidance which can be accessed via the following link;
<https://ico.org.uk/media/for-organisations/documents/1151/datasets-foi-guidance.pdf>

Yours sincerely

FOI Officer
On behalf of NHS Redditch and Bromsgrove CCG