



Social Security Scotland
Tèarainteachd Shòisealta Alba

Social Security Scotland Right of Access to Information

Dignity,
fairness,
respect.

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Social Security Scotland

Introduction

Social Security Scotland is an Executive Agency of the Scottish Government. We started operating in September 2018. We administer the Scottish social security system. We do this in line with the [Social Security \(Scotland\) Act 2018](#) and the principles in our [Charter](#).

We work with partners in the Scottish Government and beyond to deliver the benefits devolved to Scotland. The Scottish Government will directly deliver 16 benefits through Social Security Scotland. This includes five completely new forms of financial support.

The values in the National Performance Framework guide our approach. We will:

- treat all our people with kindness, dignity and compassion
- respect the rule of law
- act in an open and transparent way

We want to help people use their rights to access the benefits that they are entitled to. We will do this by treating people with dignity, fairness and respect. These principles are the foundation upon which we promote all rights, including rights of access to information.

Policy Statement

Our aim is to support people to use the rights that they have and to respect those rights. We will provide advice and help to individuals who wish to access information. There are three key pieces of law which provide rights to information. These are:

- [The Freedom of Information \(Scotland\) Act 2002](#)
- [The Environmental Information \(Scotland\) Regulations 2004](#)
- [The Data Protection Act 2018](#)

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This policy sets out how we will fulfil our obligations under the Freedom of Information (Scotland) Act 2002 and Environmental Information Regulations.

The right to access one's own personal information is subject to the Data Protection Act 2018 and is covered in a separate policy.

Social Security Scotland recognises the value and importance of promoting and delivering the rights of individuals. Making a request for information should not be the starting point in fulfilling rights, it should be the last. We will publish information which is in the public interest. This demonstrates to those who wish to access information that we are open and honest.

We will provide information to those who seek it. This will increase people's confidence in our ability to deliver on all rights. It will help us to work together and with stakeholders. This contributes to a culture of dignity, fairness and respect.

Under [section 60](#) of the Freedom of Information (Scotland) Act 2002 and regulation 18 of the Environmental Information Regulations, Scottish Ministers have published a Code of Practice. This Code describes the practices they would like Scottish public authorities to follow when discharging their functions. We will aim to follow this code at all times.

We will fulfil our obligations to provide and promote the right of access to information under the freedom of information and environmental information laws.

The Model Publication Scheme

Scottish Ministers are the public authority identified in the Act. They have adopted the Model Publication Scheme approved by the Scottish Information Commissioner. Social

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Security Scotland has a role to contribute to the requirements of the Model Publication Scheme The publication scheme requires us to:

- publish the classes of information that we make routinely available
- tell the public how to access the information we publish
- confirm if the information is available free of charge or on payment

We have published a guide to information. This outlines the information we make available and how to access it. It can be found on our website at:

<https://www.socialsecurity.gov.scot/reporting/publications/guide-to-information>.

We will review the guide and the information we publish every three months to ensure it is relevant and of public interest. The information we receive, the lessons we have learned and the feedback from those we work with will inform the review.

Proactive Publication

Our aim is that publication of information should be viewed as the default outcome for corporate documents such as reports, papers and minutes.

We will write these with publication in mind. They must be of satisfactory quality. To assist with this we have produced a Writing for Publication guide to support our staff. You can view this guide on our Social Security Scotland Freedom of Information webpage.



We will routinely publish information about how we deliver our business. This has many benefits, for example:

- individuals will not have to make requests for this information
- it demonstrates openness and transparency
- it promotes confidence in our clients and stakeholders

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Responsibilities

Social Security Scotland has a responsibility to assist individuals with their information rights. Everyone should be aware of the law which provides the right to information and should be able to:



- identify when an individual is using a right
what their responsibilities are to help the individual to use that right

There is more responsibility for key individuals:

- **Chief Executive**

The Chief Executive is accountable for the overall performance of Social Security Scotland. They lead the organisation in implementing its responsibilities to administer the Scottish social security system and to fulfil our legal responsibilities.

A key responsibility is to encourage and support behaviours and attitudes which show that we are open and honest. Respecting rights of access to information supports those behaviours and attitudes.

- **The Executive Team**

The Executive Team reviews performance and ensures that our approach to respecting information rights is the best that it can be. This means having the right people, with enough time and the right support to do so.

Individual members are accountable to the Chief Executive for how their own areas respect information rights including performance.

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Where information rights could be better provisioned, or there are failings, individual members are responsible for leading on the necessary actions to make their area better.

A member of the Executive Team will be responsible for compliance with the Act including timescales, across Social Security Scotland.

- **Senior Managers**

Senior Managers are responsible for ensuring that the right people are in place to help those who request information. It is important to give enough time, training and support to these individuals. Senior Managers must also give individuals recognition for their contribution.



Senior Managers are also responsible for ensuring the quality of the information being provided, and the support offered to those who request information.

Where information is not being provided, or cannot be provided, Senior Managers must ensure the reasons for this are clearly explained. Where information is held but is not released, the Senior Manager must ensure there is robust evidence to support the decision.

Where a person is not happy with the way we have dealt with the request for information, a Senior Manager not involved in the original request will review the response. The Senior Manager will look at the reasons for the decision and the steps taken in preparing the response. This will include whether we have:

- complied with the law
- searched in the right places for information
- given clear and understandable advice and reasons
- been as helpful as we could have been

Senior Managers are responsible for ensuring that they have the necessary skills, knowledge and opportunity to look carefully at how we have responded to a request. This means that they will need to undertake regular training and have regular experience of looking at how we have responded to a request. These should be agreed with their own manager and form part of the [appraisal](#) process.

- **Case handlers**

Case handlers are responsible for ensuring that they have the necessary skills, knowledge and opportunity to respond to a request for information.

Following the correct processes is the responsibility of the case handler. They will need to undertake regular training, attend a lessons learned workshop twice yearly, and have regular experience of responding to requests. They will also participate in a review after each response which should take place within two weeks of the response being issued. They should reach agreement with their manager to ensure they receive the time required to attend these sessions. This should form part of the [appraisal](#) process.



Case handlers should prepare responses in time to allow compliance with the timescales in the law. Responses should provide the right advice and help, respecting the rights of the person making the request.

- **The Freedom of Information Team**

The Freedom of Information Team are responsible for:

- the support and training provided to case and review handlers
- helping case and review handlers to understand how best to respect the rights of individuals who seek information

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- helping case and review handlers to advise and help people
- monitoring and reporting of the performance of Social Security Scotland

The Freedom of Information Team are also responsible for ensuring that when we do not get it right, we understand why and what actions we must take to restore confidence and demonstrate that we are a learning organisation.



Where a person is not happy about how we have dealt with their request for information they can ask the Scottish Information Commissioner for help. The Freedom of Information Team will be responsible for assisting the Scottish Information Commissioner, through the Scottish Government Freedom of Information Unit, to reach a decision on whether we have fulfilled the individual's right to information lawfully and in accordance with best practise guidance.

- **All staff**

All staff are responsible for assisting and advising individuals to exercise their right to information. The advice and assistance must be provided in a helpful, meaningful and timely way reflecting our core values of dignity, fairness and respect.

Where an individual has made a request for information, robust searches require to be done to ensure that the information requested is found. All staff are required to conduct robust searches for information when requested to do so by a case handler. The terms used in searching, and the locations searched, should be recorded and shared with the request handler.

It is important that everyone understands what the information rights are. All staff must complete mandatory awareness e-learning yearly to ensure that we identify when an individual is exercising a right to information.

Performance Targets



Requests for information will be different. Many will be simple and the information can easily be provided. Others will be complex, for example, because release of the information would cause substantial harm. The access to information laws require that we respond to a request for information within specific timescales.

Many requests will be simple and a response can be provided in a much shorter period. Those that are complex will take longer. It should not be normal that all requests take the full period to respond.

It is right to set challenging targets for compliance with access to information laws. Social Security Scotland aims to respond to at least 95% of requests made under freedom of information law within 20 days. Where an individual is not happy we will look at how we managed that request and provide a response to at least 95% of requests for reviews within 20 days.

Performance Monitoring

It is recognised the earlier that difficulties are identified in progressing a request for information, the easier it is to take steps to fix it. To ensure that we take action as soon as possible we will monitor the progress of requests at least weekly.

Where progress is not being made and it looks like we might not respond within the timescales, a member of the Data Protection and Information Governance Team will contact the request handler to offer advice and assistance.

Where there remain concerns, for example about the ability of the case handler to respond to the request due to workload, the Data Protection and Information Governance Team will discuss what remedial action can be taken with the case handler's line manager.

Performance Reporting

A positive culture which respects all rights requires strong leadership and commitment. To show how important information rights are, the Executive Team will review our compliance with the timescales afforded by the access to information laws on at least a quarterly basis.

The Executive Team will also consider any learning or actions that we might yet need to take where we have not managed a request for information well. This will help us to improve how we respond to further requests for information.

We will contribute to the wider reporting for government needs and to the Scottish Information Commissioner. This demonstrates transparency and openness and increases the confidence of our clients and stakeholders.

Continuous Improvement

The Act provides applicants with a right to appeal our decisions. The appeal is to the Scottish Information Commissioner. Where the Scottish Information Commissioner upholds an appeal the Data Protection and Information Governance Team will lead an exercise to learn the lessons from the decision. The exercise will involve the case handler and reviewer.

The actions taken to improve our handling of requests will be recorded and shared with case and review handlers. This will take place at regular refresher sessions. This will ensure that lessons are learned across the organisation. The actions taken will also form part of the reporting to our Executive Team.

Governance and Assurance Frameworks

The obligation to respect information rights and the impact of our failure to do so requires to be reflected in our risk and governance processes. Our risk and governance systems will reflect:

- the requirement to comply with timescales
- the impact of providing, or failing to provide, helpful, meaningful and timely advice and assistance
- the impact of not conducting timely and robust reviews
- the link between our Freedom of Information policies and procedures, customer service arrangements and statutory duties

Resources

To respect information rights we need to have well informed and trained case and review handlers. The ability of case handlers and reviewers to fulfil our obligations requires that they are given the time and support to respond to requests. The time and support required to respond to a request will depend on a number of factors. This includes the complexity of the request and the experience of the case handler or reviewer.

Each division of the Agency must identify as a minimum three case handlers and one review handler. This should provide sufficient business continuity and allow competencies to be maintained. Where a case handler moves roles within the Agency the expectation is that the responsibilities of a case handler will move with them. This supports the commitment to have suitably trained and knowledgeable case handlers. When a case handler leaves the Agency, a new case handler should be identified for the Division.

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This will be reviewed biannually and recommendations for change will require to be agreed by the appropriate Governance Group as part of the reporting process.

Recommendations for changes may also arise, for example, following reviews of performance throughout the year, an increase in the number of requests or as a consequence of decisions made by the Scottish Information Commissioner.



Appraisal

All case and review handlers will have an objective for information rights included in their annual appraisal. The objective should include the attendance at awareness or training events to ensure that competence is maintained and lessons learned are shared.

Request Allocation

All case and review handlers are expected to prepare responses. The requests or reviews do not need to be for information in the business area of the request or review handler. It is expected all case and review handlers will maintain their competency by responding to requests or reviews.

Where a request is complex or sensitive, consideration should be given to allocating it to a request handler in the area where the information is most likely to be held. This will allow a more informed and quicker assessment of the information held.

Review Allocation

A request for review will be conducted by a review handler in a division not involved in the original request. It will be for the Deputy Director of that Division to allocate the request for review. The review response will be cleared by the Deputy Director of the Division responsible for the original response. Once cleared it will be forwarded to the

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Deputy Director for Strategy, Change, Data and Engagement and Chief Executive for their consideration and any further action.

Training

All staff must complete the e-learning training as part of their induction. This should be repeated annually. The number of staff which have completed e-learning will form part of the information reported.

To support case handlers and reviewers two awareness sessions will be delivered throughout the year. These sessions will refresh awareness of information rights and share lessons that have been learned in the previous period including learning from decisions of the Scottish Information Commissioner.

At least one case handler in each division will have attended accredited training in information rights. Budget discussions for each division should consider this training need yearly. At least one individual in the Data Protection and Information Governance Team will have completed accredited training in freedom of information and environmental information rights.

Records Management

Freedom of information legislation is only as good as the quality of the records and other information to which it provides access. Access rights are of limited value if information cannot be found when requested or, when found, cannot be relied upon as correct.

Good records and information management benefits those requesting information because it provides assurance that the information provided will be complete and reliable. It benefits those holding the requested information because it enables them to locate and retrieve it easily within the lawful timescales or to explain why it is not held.

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It also supports control and delivery of information promised in an authority's Publication Scheme or required to be published by the Environmental Information Regulations.

Compliance with Records Management policies and guidance is very important in respecting information rights. Records and information are key for the proper function of an organisation. They are the basis on which decisions are made, services provided, and policies developed and communicated.

Effective management of records and other information brings the following additional benefits:

- it supports an authority's business and the discharge of its functions
- it supports good governance
- it promotes business efficiency and underpins service delivery by ensuring that authoritative information about past or current activities can be retrieved, used and relied upon in current business
- it supports compliance with other legislation which requires records and/or information to be kept, controlled and accessible
- it improves accountability, enabling compliance with legislation and other rules and requirements to be demonstrated to those with a right to audit or otherwise investigate the organisation and its actions
- it protects the rights and interests of an authority, its staff and its stakeholders
- it protects the rights and interests of individuals who seek access to information
- it increases efficiency and cost-effectiveness by ensuring that records are disposed of when they are no longer needed. This enables more effective use of resources, for example space within buildings and information systems, and saves staff time searching for information that may not be there
- it provides institutional memory.

Further guidance on records management is set out in our policies and in the [Code of Practice on Records Management by Scottish Public Authorities](#), issued in December

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2011 by the Scottish Ministers under section 61 of The Freedom of Information (Scotland) Act 2002.

Writing for Publication

There is a presumption that information will be released. When preparing documents it is good practice to consider the sensitivity of information. A decision on whether all of the document can be published or not must be taken. An exemption must be applied to any information that is not released.

Further guidance is available on writing documents for publication. Please contact the Freedom of Information Team for more information.

Making Social Security Scotland's service inclusive

We are designing our services so that as many people as possible understand what we do and can communicate with us and access our service in the way they want to.

Our clients, staff and other people we work with understand information and express themselves in many different ways. We will remember this every time we communicate verbally, in writing or face-to-face.

We will ask people where, when and how they want to receive information and to communicate with us. We will offer the support they need to do this.

We will only publish information on our website which we feel is in the public interest.

Social Security Scotland aims to be a leader in inclusive communication. We will ask people about their experience of dealing with us and we will make changes when needed.