

Scotland's Commissioner for Children and Young People
(SCCYP) Publication Scheme

Produced as required by the Freedom of Information (Scotland)
Act 2002

13 September 2008

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Scotland's Commissioner for Children and Young People (SCCYP) Publication Scheme

Produced as required by the Freedom of Information (Scotland) Act 2002

1 Introduction

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available. This scheme has been approved by the Scottish Information Commissioner, who is responsible for enforcing FOISA. We are also obliged to review this scheme from time to time.

The purpose of the scheme is to provide you with details of the range of information that we routinely publish. The scheme also provides details of how you can access this information, and tells you whether it is available free, or if there is a charge for the information. The Commissioner is strongly committed to promoting openness and transparency of the work undertaken to promote and safeguard the rights of children and young people in Scotland. Through this scheme the Commissioner makes available a range of information about the office and its work as a matter of course.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to the environmental information that we hold. This publication scheme also contains details of the environmental information that we routinely make available.

Where information is not published under this scheme, you can request it from us under FOISA or, in the case of environmental information, the EIRs. *For further information on accessing information not covered by this scheme, refer to Section 11 – How to access information not available under the scheme.*

2 About Scotland's Commissioner for Children and Young People

The general function of the Commissioner is to "promote and safeguard the rights of children and young people." The Commissioner's responsibilities extend to all children and young people in Scotland under the age of 18, and those aged up to 21 who have ever been in care or "looked after" by a local authority.

In particular, the Commissioner must review law, policy and practice relating to the rights of children and young people with a view to assessing their adequacy and effectiveness. Specific regard must be had to any relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC), especially those requiring that the best interests of the child be a primary consideration in decision-making, and that due account be taken of the views of affected children and young people.

The Commissioner has a power of formal investigation where it seems that the rights of groups of children and young people might have been breached, but she cannot investigate matters that apply to only one child. She cannot investigate matters that are reserved to Westminster Parliament, such as immigration, benefits and employment.

The Commissioner has to consult children and young people, and organisations working with and for them, about the work her office undertakes.

The law establishing the Commissioner's post is the Commissioner for Children and Young People (Scotland) Act 2003. The Commissioner is appointed by the Queen on the nomination of the Scottish Parliament for a period of five years. The Commissioner is independent of Government and Parliament but is accountable to the Scottish Parliament for the work that she does and the money that she spends.

3 Preparing the Publication Scheme

When preparing or reviewing our publication scheme, we are obliged by FOISA to have due regard to the public interest in providing access to the information that we hold which relates to:

- the services we provide;
- the costs of those services;
- the standard of those services;
- the facts that inform the important decisions we take; and
- the reasoning that informs our decisions.

This scheme has been designed to ensure that information relating to each of these categories is made available wherever possible.

In Section 12 of this scheme, information that is published by the Commissioner has been grouped into a number of broad classes. The publication scheme describes information that she intends to publish as well as information already available.

In preparing this publication scheme Scotland's Commissioner for Children and Young People has carried out an information audit to ensure that it contains information that people want to see.

4 Accessing Information under the Scheme

Information available under our publication scheme will normally be available through the routes described below. *Section 12 – Classes of Information* provides more details on the information available under the scheme, along with additional guidance on how the information falling within each "class" may be accessed.

Online:

Some of the information listed in our publication scheme is available to download from our website and where this is the case a link within *Section 12: Classes of Information* will direct you to the relevant page or document. Where no such link is present, you can use our website's "Search" facility at http://www.sccyp.org.uk/zoom/search.php?zoom_query. If you are still having trouble finding any document listed under our scheme, then please call the Commissioner's Office on 0131 558 3733 for further assistance. You can also email info@sccyp.org.uk.

On request:

If the information you seek is listed in our publication scheme but is not published on our website you can request copies of documents to be sent by email or by post. Please note that there may be a charge for this - *see Section 6 charging policy*. You can write to us or phone us to make your request. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

Scotland's Commissioner for Children and Young People

85 Holyrood Road
Edinburgh
EH8 8AU

Telephone: 0131 558 3733
Fax: 0131 556 3378
Email: info@sccyp.org.uk

Visiting the Office:

You can visit the Commissioner's office in Edinburgh to collect a copy of the information under the scheme. Our office opening hours are 9am to 5pm, from Monday to Friday, except on public holidays, and you can find [directions to our office](#) here. We recommend that you contact the office before your visit to ensure that we are able to provide you with the publications you want as efficiently as possible.

Advice and assistance:

If you have any difficulty identifying the information you want to access, then please contact our Information Officer who will be happy to help.

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EH8 8AU

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Fax: 0131 556 3378
Email: info@sccyp.org.uk

Other formats:

If you need information supplied in an alternative format, e.g. on audio tape, in Braille or alternative languages, please let us know and we will take all reasonable steps to provide it in the format you request.

If we need to arrange for a document to be transcribed or translated into an alternative format it may take longer than normal to provide you with the information. However, we will always provide publications as quickly as we can and where there is a delay we will contact you to explain why and when you can expect to receive them. The costs of this will be met by the Commissioner.

5 Information that we may withhold

All information covered by our publication scheme can either be accessed through our website, or will be provided promptly following our receipt of your request.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in Section 12 – Classes of Information. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it.

Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment. Information may also be withheld if it is another person's personal information, and its release would breach the data protection legislation.

Whenever information is withheld we will inform you of this, and will set out why that information cannot be released. Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.

If you wish to complain about any information which has been withheld from you, please refer to *Section 10 – Complaints*.

6 Our Charging Policy

All information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

A child or young person will not be charged for information provided in paper copy or on computer disc.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction costs:

Where charges are applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Computer discs will be charged at the rate of £1.00 per CD-Rom.

Postage cost:

We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

7 Our Copyright Policy

Scotland's Commissioner for Children and Young People holds the copyright for the vast majority of information in this publication scheme. All of this information can be copied or reproduced without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, and provided that the source of the material is identified.

The publication scheme may, however, contain information where the copyright holder is not Scotland's Commissioner for Children and Young People. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder. Wherever possible, this scheme will indicate where we do not own the copyright on documents within *Section 12 – Classes of Information*.

Information about Crown copyright material is available on the website of the Queens Printer for Scotland at www.oqps.gov.uk. We can provide you with a copy of this information if you do not have internet access.

8 Our Records Management and Disposal Policy

The length of time for which the Commissioner will keep key records and make them available is set out in the records retention schedule document. This document is included in the Records Management sub-class of the "Functions & Management" class, in the Commissioner's Publication Scheme, along with other policy documents relating to records management within the office.

The Commissioner observes the Code of Practice on Records Management, which has been published by Ministers in accordance with Section 61 of the Freedom of Information (Scotland) Act 2002.

9 Feedback

FOISA requires that we review our publication scheme from time to time. As a result, we welcome feedback on how we can develop our scheme further. If you would like to comment on any aspect of this publication scheme, then please contact us. You may, for example wish to tell us about:

- other information that you would like to see included in the scheme;
- whether you found the scheme easy to use;
- whether you found the publication scheme useful;
- whether our staff were helpful;
- other ways in which our publication scheme can be improved.

Please send any comments or suggestions to:

Information Officer

Scotland's Commissioner for Children and Young People

85 Holyrood Road

Edinburgh

EH8 8AU

Telephone: 0131 558 3733
Fax: 0131 556 3378
Email: info@sccyp.org.uk

10 Complaints

Our aim is to make our publication scheme as user-friendly as possible, and we hope that you can access all the information we publish with ease. If you do wish to complain about any aspect of the publication scheme, however, then please contact us, and we will try and resolve your complaint as quickly as possible. You can contact:

Information Officer

Scotland's Commissioner for Children and Young People

85 Holyrood Road
Edinburgh
EH8 8AU

Telephone: 0131 558 3733
Fax: 0131 556 3378
Email: info@sccyp.org.uk
Website: www.sccyp.org.uk

Any complaint will be acknowledged within two working days of receipt and we will respond in full within twenty working days.

You have legal rights to access information under this scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing* or another recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner's website has a guide to this three step process, and he operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. His office can be contacted as follows:

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

*verbal requests for environmental information carry similar rights.

11 How to access information which is not available under this scheme

If the information you are seeking is not available under this publication scheme, then you may wish to request it from us. The Freedom of Information (Scotland) Act 2002 (FOISA) provides you with a right of access to the information we hold, subject to certain exemptions. The Environmental Information (Scotland) Regulations 2004 (EIRs) separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold. Again, these rights are subject to certain exceptions or exemptions.

Should you wish to request a copy of any information that we hold that is not available under this scheme, please write to:

Scotland's Commissioner for Children and Young People

85 Holyrood Road
Edinburgh
EH8 8AU

Telephone: 0131 558 3733
Fax: 0131 556 3378
Email: info@sccyp.org.uk
Website: www.sccyp.org.uk

Charges for information which is not available under the scheme:

The charges for information which **is** available under this scheme are set out under *section 6 – Our Charging Policy*. If you submit a request to us for information which **is not** available under the scheme the charges will be based on the following calculations:

General information requests:

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges for environmental information:

We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.

In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to the authority of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.

- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

The first £100 worth of information will be provided to you without charge.

Where information costs between £100 and £600 to provide you will be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.

Where it would cost more than £600 to provide the information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

Requests for your own personal data:

Under the Data Protection Act 1998 you have the right to know whether Scotland's Commissioner for Children and Young People holds any personal information about you and to request a copy of this information. This is known as a 'subject access request'. You will need to put your request in writing, by letter or email, and send it to:

Scotland's Commissioner for Children and Young People

85 Holyrood Road
Edinburgh
EH8 8AU

Email: info@sccyp.org.uk

Your request should include your name and address and where possible provide as much detail as possible about the information you wish to access. It is helpful to make clear you are asking for the information under the Data Protection Act 1998. We would recommend that you keep a copy of your request.

We will respond to your request within 40 calendar days of receiving it. There will be no charge for requests for personal information.

12 Classes of Information

This section provides details of the classes of information that we routinely publish with links to relevant pages of our website as appropriate. It is the intention of the Commissioner to increase the amount of information published on the SCCYP website. We will regularly review and, as appropriate, update this publication scheme to accurately reflect the full range of information published by Scotland's Commissioner for Children and Young People.

Scotland's Commissioner for Children and Young People Publication Scheme – September 2008

Classes and Sub-Classes of Information

Class	Sub-Class	Description	Format/Availability	Cost
Function & Management	Annual Report	Reviews the work of the Commissioner during the period of the report and outlines the work to be undertaken in the following year. Annual Reports are laid before the Scottish Parliament.	SCCYP Website or hard copy on request	Free
	Minutes of Management Team	Approved minutes of meetings.	Hard copy on request	Free
	Papers and Agendas of Management Team	Papers and agendas for meetings will be published at the same time as the approved minutes for the meeting, except those papers containing information which we consider may be exempt under the Freedom of Information (Scotland) Act 2002.	Hard copy on request	Free
	Delegation & Decision Making	Framework for the governance of the Office including a schedule of delegation to staff. (June 2007).	Hard copy on request	Free
	Risk Register	To allow the Commissioner to identify, and manage the risks that would impede her fulfilling her duties. (December 2007)	Hard copy on request	Free
	Records Management	Records Management Policy and Retention Schedule. These are in draft format, to be approved by the Management Team.	Hard copy on request	Free
	Financial Information	Annual Accounts	Audited accounts of the Commissioner's office are published annually.	Hard copy on request
Budget Profiles		Expenditure to date against the budget for the year. Published monthly as part of the Management Team papers.	Hard copy on request	Free
Procurement	Contracts	We publish our intention to	SCCYP Website and	Free

Class	Sub-Class	Description	Format/Availability	Cost
	advertised	contract on the Home Page of the Website.	hard copy on request	
	Contracts List	List of contracts that the Commissioner holds with external suppliers.	Hard copy on request	Free
Operational & Strategic Planning	Business Plan	<p>Outlines the Commissioner's key objectives and work programme for 3 years. (April 2006 – March 2009)</p> <p>A one year work plan outlines the key objectives for 2009-2010.</p>	SCCYP Website and hard copy on request	Free
	Strategic Plan	The current strategic plan for the Commissioner is called 'Safe Active Happy'. This plan has 13 objectives. Information including project plans and outcomes is held on each of the objectives.	SCCYP Website and hard copy on request	Free
	Operational Performance	Evidence session by the Commissioner to the Scottish Parliament Education and Lifelong Learning Committee on the 2006/07 and 2007/08 Annual Report.	Scottish Parliament Website or hard copy on request	Free
		Evidence session by the Commissioner to the Scottish Parliament Education and Lifelong Learning Committee on the 2005/06 Annual Report.	Scottish Parliament Website or hard copy on request	Free
		Evidence session by the Commissioner to the Scottish Parliament Finance Committee on Budget Proposals 2006/07.	Scottish Parliament Website or hard copy on request	Free
Interim Evaluation Report of Safe Active Happy.		Hard copy on request	Free	
Consultations	Information on consultations by the Commissioner with children and young people and organisations who work with and for children and young people on the work to be undertaken by the Commissioner.	SCCYP Website and hard copy on request	Free	

Class	Sub-Class	Description	Format/Availability	Cost
Human Resource Information	Vacancies	Current vacancies with the Commissioner are listed on the website.	SCCYP Website	Free
	Staff Handbook	Scotland's Commissioner for Children and Young People's staff handbook.	Hard copy on request	Free
	Performance Management System	Guidelines on the Commissioner's Performance Appraisal System.	Hard copy on request	Free
Policies & Procedures	Equalities Scheme	This scheme sets out the work the Commissioner has conducted in relation to her equality duties.	SCCYP Website and hard copy on request	Free
	Child Protection Policy	Guidelines for keeping children and young people who are involved in the work of the Commissioner safe. (July 2006)	Hard copy on request	Free
	Complaints Procedure	Guidance on the Commissioner's complaints procedure. In draft format to be approved by the Management Team.	Hard copy on request	Free
	Health & Safety at Work Policy	The Commissioner's policy on health and safety at work is set out in the staff handbook.	Hard copy on request	Free
	Green Office Policy	This policy is still in draft format awaiting approval from the Management Team.	Hard copy on request	Free
Promoting Awareness & Understanding of Children's Rights	Participation Strategy	This strategy for involving children and young people in the work of the Commissioner is kept under review. When a new strategy is published it is also laid before the Scottish Parliament.	SCCYP Website and hard copy on request	Free
	Young People's Groups	The Commissioner works with 3 young people's groups: Care Action Group, Reference Group and YPHAG. Information on the work of each of these groups is available on the website.	SCCYP Website and hard copy on request	Free
	Partnership & Collaborative	The Commissioner works in partnership and collaboration	Hard copy on request	Free

Class	Sub-Class	Description	Format/Availability	Cost
	Working	with other organisations to promote and safeguard the rights of children and young people. Summary details of these are available.		
	Events	The Commissioner organises and hosts events to promote awareness of children and young people's rights.	Hard copy on request	Free
	Press Releases	The Commissioner publishes news releases to accompany announcements she makes on children and young people's rights.	SCCYP Website and hard copy on request	Free
	Media Articles	Articles written by the Commissioner for external publications.	Hard copy on request	Free
	Commissioner's Speeches	Speeches by the Commissioner at external events on her work.	SCCYP Website and hard copy on request	Free
	Presentations	Presentations by the Commissioner to external organisations on her work.	Hard copy on request	Free
	Newsletters	Two online newsletters are produced by SCCYP. It's possible to view the summaries of the newsletters, however the content is held on the SCCYP website.	SCCYP Website and hard copy on request	Free
	Information Leaflets	Leaflets are produced on the work of the Commissioner and on particular children and young people's rights issues.	SCCYP Website and hard copy on request	Free
Investigations & Enquiries	Investigation Reports	Reports of investigations by the Commissioner.	SCCYP Website and hard copy on request.	Free
	Enquiry Updates	A summary of enquiries received by the Commissioner is produced monthly.	SCCYP Website and hard copy on request	Free
Review of law, policy and practice of Children's rights	Consultation Reponses	Responses from the Commissioner to Scottish Government Consultations; UK Government Consultations; Scottish Parliament Inquiries and the Scottish Parliament	SCCYP Website and hard copy on request	Free

Class	Sub-Class	Description	Format/Availability	Cost
		Public Petitions Committee.		
	Children's Rights Impact Assessments	Assessments that the Commissioner has prepared on Consultations, Parliamentary Bills, and Policy Proposals.	SCCYP Website and hard copy on request	Free
	Report to UN Committee on the Rights of the Child	Joint report of the UK Children's Commissioners on the state of children and young people's rights in the UK. Information on the preparation of the report and submissions to the UN Committee on the Rights of the Child.	SCCYP Website and hard copy on request	Free
	Monitoring Implementation of UNCRC	Analysis of how the Scottish Government and other public bodies are fulfilling their duties under the UNCRC.	Hard copy on request	Free
	Correspondence with Scottish Government	Correspondence between the Commissioner and Ministers and Government Directorates.	Hard copy on request	Free
	Correspondence with Scottish Parliament	Correspondence between the Commissioner, MSPs, the SPCB and Parliamentary Committees.	Hard copy on request	Free
	Correspondence with COSLA	Correspondence between COSLA and the Commissioner.	Hard copy on request	Free
	BINOCC	British and Irish Network of Ombudsmen and Children's Commissioners meets quarterly to update each other on work to date and identify common areas of interest. Approved minutes of these meetings are made available.	Hard copy on request	Free
Research	Research Guidelines	Good practice guidelines that inform research conducted and commissioned by the Commissioner.	SCCYP Website and hard copy on request.	Free
	Research Contracts	Research briefs that have gone out for tender are published on the website for the duration of the tender process.	SCCYP Website and hard copy on request.	Free
	Research Reports	The Commissioner undertakes and commissions research on	SCCYP Website and hard copy on request.	Free

Class	Sub-Class	Description	Format/Availability	Cost
		children and young people's rights.		