

Information available from The Gentle Touch Dental Practice under the Freedom of Information (Scotland) Act 2002

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Section 1: Introduction to the Publication Scheme

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 (including National Health Service (NHS) general dental practices). 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.

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](#).

Section 2: About The Gentle Touch

This is a guide to the information published by each of the dentists at the Gentle Touch Dental Practice. This guide is the dentists' Publication Scheme as required by the Freedom of Information (Scotland) Act 2002. The Scheme applies to each dentist individually.

The dentists are: Amber Aplin, Stuart Norman, John Thompson, Richard Lindsay and Holly Schofield.

As providers of NHS services under the General Dental Services Regulations (as well as private care), the dentists are public authorities under the Freedom of Information (Scotland) Act 2002 and are required to adopt and maintain a scheme of the information we publish. The purpose of the Act is to ensure that organisations working for the public are more open about the information they have.

The dentists at the practice have regard to the public interest in the information that they make available. We are committed to openness and transparency.

We are required by the FOISA to respond to requests from the public to access recorded information that we hold about our services. There are some exemptions to this right and it does not change the rights of our patients to have all of their personal information kept strictly confidential and available to them on request under the Data Protection Act 1998 (see section 11 below).

Further information on the services that are available at the practice are detailed in the Patient Information Leaflet (PIL) which is available from Reception.

This guide will be reviewed regularly and we will also keep the list of publications up to date.

Section 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 publication scheme has been based on the model publication scheme provided by the British Dental Association. The scheme was prepared in consultation with the Scottish Information Commissioner and the British Dental Association.

British Dental Association

The British Dental Association (BDA) is the professional association and trade union for dentists in the United Kingdom. Membership, which is voluntary, includes 20,000 dentists. The majority of members are in family practices. The BDA is not a public authority and not covered by FOISA. It provides advice and information for member dentists on complying with rules and regulations relating to their practice.

Section 4: Accessing information under the Scheme

Information 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.

By email

If the information you seek is listed in our publication scheme, we can send it to you by email, wherever possible. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

By phone

Information can also be requested from us over the telephone. Please call 01573 224802 to request information available under this scheme.

By post

All information under the scheme will normally be available in paper copy form. Please address your request to:

Pauline Carruthers
Practice Manager
The Gentle Touch
The Corn Exchange
31 Woodmarket
Kelso
TD5 7AT

When writing to us to request information, please include your name and address, full details of the information or documents you would like to receive, and any fee applicable (see *Section 6: Our Charging Policy* for further information on fees). Please also include a telephone number so we can telephone you to clarify any details, if necessary.

Personal visits

Copies of the information will be available from the Pauline Carruthers.

Advice and assistance

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

Section 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 in 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 it cannot be released. Even where information is withheld, it may, in many cases, be possible to provide copies with the withheld information removed.

If you wish to complain about any information which has been withheld from you, please refer to [Section 10 – Complaints](#).

Section 6 – Our charging policy

Unless otherwise stated in [Section 12 – Classes of Information](#), 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 incurred by the practice, as set out below.

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 sheet (black and white copy) and 30p per A4 sheet (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 practice of sending the information by first class post.

Section 7: Our copyright policy

The Gentle Touch 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 The Gentle Touch. 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 www.oqps.gov.uk. We can provide you with a copy of this information if you do not have internet access.

Section 8: Our records management and disposal policy

Section 4 (above) provides more information about how to gain copies of the following policies.

Confidentiality policy

At this practice, the need for the strict confidentiality of personal information about patients is taken very seriously. Our confidentiality policy sets out our policy for maintaining confidentiality and all members of the practice team must comply with these safeguards as part of their contract of employment/contract for services with the practice.

Practice information security policy

This dental practice is committed to ensuring the security of personal data held by the practice. This objective is achieved by every member of the practice team complying with this policy.

Practice data protection code of practice for patients

This practice complies with the 1998 Data Protection Act and our policy describes our procedures for ensuring that personal information about patients is processed fairly and lawfully.

What personal data do we hold?

In order to provide you with a high standard of dental care and attention, we need to hold personal information about you. This personal data comprises:

- your past and current medical and dental condition; personal details such as your age, national insurance number/NHS number, address, telephone number and your general medical practitioner
- radiographs, clinical photographs and study models
- information about the treatment that we have provided or propose to provide and its cost
- notes of conversations/incidents that might occur for which a record needs to be kept
- records of consent to treatment

- any correspondence relating to you with other health care professionals, for example in the hospital or community services.

Section 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 e-mail any comments or suggestions to Pauline Carruthers - kelsodentalpractice@gmail.com.

Section 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, then we have a practice complaints procedure, a copy of which is available from reception or our website and any complaints about this publication scheme or about any aspect of the services provided by our dentists and dental staff should be made under this complaints procedure.

Pauline Carruthers – Practice Manager/Complaints Manager

Any complaint will be acknowledged within three working days of receipt and we will respond in full within ten working days of receipt. Where it appears the ten working day target cannot be met, we will inform you of the reason for the delay with an indication of when a response can be expected.

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. Verbal requests for environmental information carry similar rights. 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:

Section 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.

Your personal records are not accessible and cannot be obtained through the FOISA, but these are available under the Data Protection Act 1998 (DPA), which 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 Pauline Carruthers.

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 per cent of the cost. That is, if you were to ask for information that costs us £600 to provide, you would be asked to pay £50, calculated on the basis of a waiver for the first £100 and 10 per cent 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's 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.

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 us 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 per cent 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, calculated on the basis of a waiver for the first £100 and 10 per cent of the remaining £500.

Where it would cost more than £600 to provide the information to you, 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

In most circumstances a fee for access to computerised records may be charged up to the prescribed legal maximum of £10. This charge includes administration and photocopying costs. The fee is £50 for manual records.

How should access be requested?

To obtain access, you must make a request in writing (which may be delivered electronically, that is by e-mail), paying the prescribed fee, and provide any information that the data controller may reasonably require in order to be satisfied as to the identity of the individual and the location of the information.

Section 4 (above) provides more information about how to obtain a copy of the practice data protection code of practice for patients

Section 12: Classes of information

We hold various types of information which we review, retain or dispose of according to NHS rules. Our information is classed in four categories:

1. Who we are
2. Our services
3. Financial information
4. Our policies and procedures

Section 4 (above) provides more information about how to access information in the following classes.

Class 1: Who we are

Details of all the dentists, dental therapists and dental hygienists are contained in the practice information leaflet. Details include name, sex and date of first registration with the General Dental Council, specialist status and whether they are full or part-time. The name of the practice manager is also included.

Class 2: Our services

Information about our services is contained in the practice's patient information leaflet which is available at Reception. The information includes:

- Opening times
- Arrangements for emergency care
- Details of access to the premises for people with disabilities
- The languages we speak and the availability of interpreters
- Whether we have a dental hygienist or orthodontic treatment is available (by referral)
- Whether we provide intravenous sedation for anxious patients (by referral)
- Information about the care and treatment provided by the practice
- Oral health information leaflets

Availability of NHS and private care at the practice

We offer NHS or private care to patients on the following basis :-

- NHS treatment up to the age of 21
- At 21 years of age, offer in joining our Gentle Touch care plan.
- Holly Schofield - NHS (List full) & Gentle Touch Care plan.

Standards

Our standards are assured by NHS regulations relating to our participation in clinical governance, clinical audit and peer review; and by the General Dental Council requirements for continuing professional development. Our care and treatment are also inspected by the Dental Reference Service of the Scottish Dental Practice Board and our practices are inspected by the local Health Board.

Class 3: Financial information

We have information about:

- The cost of NHS treatment set by Government
- Entitlement to exemption and remission from NHS dental charges
- Our private charges

Our income from the NHS derives primarily from monthly fees for the number of patients we have on our list and fees for individual items of treatment. There are also some allowances for such things as continuing professional development and the overall amount of NHS care we provide. These fees and allowances are set by Government and we claim separate fees for each treatment we provide by sending a form to the Scottish Dental Practice Board. In addition, for each individual patient, we receive a small continuing care (adult) or capitation (children) fee.

Out of this income the practice pays the full cost of providing care, including the provision of the building, equipment, materials and staff.

Class 4: Our policies and procedures

We have policies and procedures which ensure that the practice operates in a safe and efficient manner. The leaflets cover various topics, such as what we do with the information we hold about patients, our payment policy and health and safety issues.

Copies of the policies are also available from Pauline Carruthers (Practice Manager)