SCOTTISH SENTENCING COUNCIL

GUIDE TO INFORMATION AVAILABLE THROUGH THE MODEL PUBLICATION SCHEME 2015

As adopted by the Council on 14 December 2015

1. Section 23 of the Freedom of Information (Scotland) Act 2002 (FOISA) places a duty on Scottish public authorities to adopt and maintain a publication scheme, which relates to the publication of information by the authority, and must specify:

   - classes of information the authority publishes or intends to publish;
   - the manner in which this information will be made available to the public free or on payment of a charge

2. The Scottish Sentencing Council has adopted the Model Publication Scheme 2015 produced by the Scottish Information Commissioner. It is valid until 31 May 2019.

3. The Model Publication Scheme adopted requires the Scottish Sentencing Council to publish information in the following categories or classes:

   Class 1: About the authority
   Class 2: How we deliver our functions and services
   Class 3: How the authority takes decisions and what it has decided
   Class 4: What the authority spends and how it spends it
   Class 5: How the authority manages its human, physical and information resources
   Class 6: How the authority procures goods and services from external providers
   Class 7: How our authority is performing
   Class 8: Our commercial publications


5. There is more information about model schemes here: http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/PublicationSchemesHome.aspx

6. The purpose of this guide is to:
• allow the public to see what information is available (and what is not available) in relation to each class;
• state what charges may be applied
• explain how to find the information easily; and
• provide contact details for enquirers to get help accessing information and to explain how to request information that has not been published.

What Information is available

7. This section provides details of the information we routinely publish under the classes of information in the Commissioner’s Model Publication Scheme 2015. Where the information is published online, links are provided to relevant website pages or other sites as appropriate. This publication scheme will be reviewed regularly to accurately reflect the full range of information published.

Information we may withhold

8. We aim to be as open as possible. However, we do not provide access to information which is personal data under the Data Protection Act 1998 or information where disclosure is prohibited by law. The FOI Act does not cover information held by the Scottish Sentencing Council ‘on behalf of’ someone else.

9. In some circumstances we will withhold information where it is exempt under the FOI Act. Where this is the case we will indicate why the information has been withheld.

Environmental information

10. The Environmental Information (Scotland) Regulations 2004 (EIRs) provide a separate right of access to any environmental information we hold. Requests under EIRs can be made by post or email as detailed at the ‘Contacting us’ section below.

How to find information easily

11. The majority of the information we publish is available on the Scottish Sentencing Council website: www.scottishsentencingcouncil.org.uk. In addition, links are contained within the text of this document the various classes of information we provide.

12. If you do not have access to the internet you can contact us and request the information in paper form. In some instances a charge may be required for hard copy material. The section below on charges provides more information.
Copyright

13. The information we produce is subject to Crown copyright unless stated otherwise.

14. Anyone wishing to use and re-use Crown copyright information published through this guide free of charge in any format or medium, under the terms and conditions of the Open Government Licence. Where any of the Crown copyright items published through this guide are being republished or copied to others, the source of the material must be identified and the copyright status acknowledged.


What charges may be applied?

16. 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. If you do not have access to the internet you can contact us and request the information in paper form.

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

Reproduction costs

18. Photocopying charges are shown in the table below.

<table>
<thead>
<tr>
<th>Size of paper</th>
<th>Pence per sheet of paper</th>
</tr>
</thead>
<tbody>
<tr>
<td>A4 (black and white)</td>
<td>£0.0045</td>
</tr>
<tr>
<td>A4 (colour)</td>
<td>£0.0375</td>
</tr>
</tbody>
</table>

19. Where an adjustment may be required for someone with additional needs a charge for information will be determined on a case by case basis.

20. Information provided on CD-rom will be charged at the price of the computer disc.

21. Enquiries about charges should be addressed to the Secretariat using the details provided in the ‘Contacting us’ section of this guide.

22. Should a charge apply to the information you have requested you will be told about this at the time of your request and provided with the details of that charge and how it has been calculated. Any charges are payable in advance.
Postage costs:

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

Contacting us

24. You can contact the Secretariat for advice and assistance with any aspect of the information contained within this publication scheme, or for general enquiries, in the following ways:

   Email:  sentencingcouncil@scotcourts.gov.uk

   Post:  Scottish Sentencing Council  
          Parliament House  
          Parliament Square  
          Edinburgh  
          EH1 1RQ

   Telephone:  0131 240 6824
THE CLASSES OF INFORMATION THAT WE PUBLISH

We publish information that we hold within the following classes of information as prescribed in the Commissioner’s Model Publication Scheme 2015. Where the information is published online, links are provided within this document to the relevant website page.

As the Council was recently established on 19 October 2015, there may be little or no information available under particular classes of information. This Guide to Information will be reviewed regularly to accurately reflect the full range of information published as it becomes available.

Once information is published under a class we will continue to make it available for the current and previous two financial years. Where information has been updated or superseded, only the current version will be available. You may request to see previous version.

You can also ask for information we do not publish. Requests for information under the FOI Act should be made by post or email as detailed in the ‘Contacting us’ section, or by completing our online Freedom of Information Request Form.

The classes are:

- Class 1: About the Scottish Sentencing Council
- Class 2: How we deliver our functions and services
- Class 3: How we take decisions and what we have decided
- Class 4: What we spend and how we spend it
- Class 5: How we manage our human, physical and information resources
- Class 6: How we procure goods and services from external providers
- Class 7: Commercial publications
ABOUT THE SCOTTISH SENTENCING COUNCIL

Class description: information about who we are, where to find us, how to contact us, how we are managed and our external relations.

Our enabling and related legislation

- The Criminal Justice and Licensing (Scotland) Act 2010 (“the 2010 Act”) established the Council on 19 October 2015.
- The Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No 12) established the Council as a legal entity on 7 May 2015.
- The Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 13) and the Courts Reform (Scotland) Act 2014 (Commencement No. 4) Order 2015 brought the Council fully into being on 19 October 2015 and enabled the Sheriff Appeal Court to require the Council to prepare and review guidelines in the same way as the High Court.
- The Scottish Sentencing Council (Procedure for Appointment of Members) Order 2015, which regulates the process for appointing judicial and legal members to the Council.
- The Scottish Courts and Tribunals Service (Administrative Support) (Specified Persons) Order 2015, which gives the Scottish Courts and Tribunals Service responsibility for providing staff, services and property to the Council, under section 62(1)(h) of the Judiciary and Courts (Scotland) Act 2008.
- The Criminal Justice and Licensing (Scotland) Act 2010 (Supplementary Provisions) Order 2015 was made on 17 November 2015 and gives the Scottish Courts and Tribunals service power to make payments of expenses to Council members.
- The Public Records (Scotland) Act 2011 (Authorities) Amendment Order 2015, which makes the Council subject to Part 1 of the Public Records (Scotland) Act 2011, which provides for the management of public records.

About us

- The Council’s functions and statutory objectives
- Current Council members
• Membership composition
• Secretariat team
• About sentencing guidelines

Governance and accountability

• Accountability and reporting
• Expenses scheme for Members
• Our relationship with the Scottish Courts and Tribunals Service (SCTS)
• Our relationship with the Scottish Parliament and other bodies
• Our external procurement contracts

External relations and keeping others informed

• Contact us
• Complaints
• News releases

Charges for environmental information

25. Requests under EIRs can be made by email or post as detailed at the ‘Contacting us’ section. Charges will reflect the actual costs of reproduction and postage, as detailed in the ‘What charges may be applied?’ section.

CLASS 2:

HOW WE DELIVER OUR FUNCTIONS AND SERVICES

Class description: information about our work, our strategy and policies for delivering functions and services and information for our service users.

26. The Council is a new body and is yet to decide how it will deliver some of its functions. This section will be updated with further information as it becomes available. Particularly, the Council’s three year business plan will be produced, providing details on how the Council will deliver its functions and will be detailed here once it is available.

• About the Scottish Sentencing Council’s functions and statutory objectives
CLASS 3:

HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED

Class description: information about the decisions we take, how we make decisions and how we involve others.

Decision making

- Our Standing Orders
- Who we consult on draft guidelines
- How we assess the impact of guidelines
- Meeting dates

What we have decided

- Agendas and Minutes of meetings

CLASS 4:

WHAT WE SPEND AND HOW WE SPEND IT

Class description: information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

27. As the Council is a new body, this section will be updated with further information once it is available. Particularly, the Council's Annual Report will include details on how the Council has spent its funds and will be listed here once available.

Expenditure

- Expenses scheme for members

Funding
CLASS 5:

HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES

Class description: information about how we manage the human, physical and information resources of the authority.

Our resources

28. Administrative support, including staff and accommodation, is provided to the Council by the SCTS. For information on our relationship with the SCTS, please see here. SCTS Policies related to this class of information include:

- SCTS People Strategy
- HR Annual People Scorecard
- SCTS ICT Strategy
- SCTS Annual Report

Information

- Privacy policy
- Cookies policy

Records

29. The Council is currently developing its Records Management Plan in liaison with National Records of Scotland and the SCTS. Once available, the Council's RMP will be listed here and made available on our website.
CLASS 6:

HOW WE PROCU RE GOODS AND SERVICES FROM EXTERNAL PROVIDERS

Class description: information about how we procure goods and services, and our contracts with external providers.

Procurement

30. As the SCTS provides administrative and staffing support to the Council, all procurement tenders are carried out in accordance with SCTS procurement policies. Information on past, future or current tenders along with Contract Awards are published by the SCTS on the Public Contracts Scotland Portal.

Contracts for goods and services

- Our contracts with external providers

CLASS 7:

HOW WE ARE PERFORMING

Class description: Information about how we perform as an organisation, and how well we deliver our functions and services.

31. The Council was recently established in 2015. Therefore, we do not currently hold any information under this class. The Council must prepare an Annual Report on how it has used its functions and performed its obligations and will be listed here, and published on our website, once available.

CLASS 8:

OUR COMMERCIAL PUBLICATIONS

Class description: Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

32. The Council is not a commercial organisation therefore we do not hold this information.