

Ref. No:	1722
Date:	06/05/25
Subject:	People Performance Council

REQUEST and RESPONSE

During a meeting policy PD0351, a policy for both MWL and Lead Employer employees based upon the former STHK0351 policy, and having underwent a full policy review and harmonisation process, was ratified. For convenience, both policies and the draft meeting minutes (previously supplied under freedom of information) are attached.

There were several significant changes to the policy between PD0351 v.1 and STHK0351. Given the number of changes between PD0351 and STHK0351, under the Freedom of Information Act, I would be grateful if you could please answer the following questions:

1. Decisions regarding the meeting for policy approval:

- **Is this meeting always used to approve Trust policies or are policies approved through other committees?**
- Trust policies are approved through various committees not just the People Performance Council
- **If policies are approved through other committees, who was responsible for choosing this committee to approve PD0351?**
- This is a workforce (HR) policy therefore it is approved by the People Performance Council
- **Who made the decision that the meeting was considered quorate for approving minutes for Lead Employer employees without any representatives from Lead Employer?**
- Quoracy is as defined in the Terms of Reference of the People Performance Council, before commencing the meeting quoracy is verified by the Chair
- **Who made the decision that the meeting was considered quorate for approving minutes for a policy involving complex safeguarding decisions without any representatives from safeguarding?**
- Quoracy is as defined in the Terms of Reference of the People Performance Council, before commencing the meeting quoracy is verified by the Chair
- **Who made the decision that the meeting was considered quorate for approving minutes for a policy involving complex data sharing between Lead Employer and different regional**

safeguarding teams and/or LADO without any representatives from Information Governance?

- Quoracy is as defined in the Terms of Reference of the People Performance Council, before commencing the meeting quoracy is verified by the Chair
- **Who made the decision that the Local Negotiating Committee for Lead Employer did not require oversight of this amendment to policy?**
- All decisions regarding policy amendments (as well as the governance process) are made by the author of the policy, the senior lead for the policy and the appropriate LNC representative

2. Prior to the meeting:

- **Were copies of the policy circulated to all committee members in advance of the meeting?**
- Yes
- **Given the complexity of the policy, what attempts, if any, were made to highlight changes within PD0351 compared to STHK0351?**
- As highlighted in the version control section of the policy, and during the course of drafting, commenting on and the governance process before the policy is ratified, at the discretion of the author as this depends on the content, significance of any changes and impact (positive/negative/neutral) as per the equality and diversity assessments within the policy
- **What comments or queries, if any, were raised by committee members about the policy prior to the meeting?**
- This information is not held in tangible records
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- The Freedom of Information (FOI) Act applies exclusively to recorded information held by public authorities. This means that requests made under FOI must relate to documents, emails, databases, reports, or other tangible records that exist at the time of the request. Public authorities are not required to create new information or offer opinions in response to an FOI request. Additionally, verbal conversations or unrecorded discussions do not fall within the scope of FOI, ensuring that only documented facts are accessible. This limitation helps maintain clarity and ensures transparency while safeguarding informal exchanges and private deliberations from mandatory disclosure.

3. During the meeting:

- **As the author of the policy, why was Anne Monteith nor a deputy present at the meeting or offered their apologies for non-attendance?**
- Core members of the People Performance Council are expected to attend of 70% of meetings

- **What assurance was given that appropriate data sharing agreements were in place for sharing of safeguarding information between Lead Employer and teams located outside the NorthWest?**
- This is part of the NHS contract for the provision of the Lead Employer service and includes data sharing agreements between NHSE, the LE and respective hosts.
- **What comments or queries, if any, were raised by committee members about the policy?**
- The Freedom of Information (FOI) Act applies exclusively to recorded information held by public authorities. This means that requests made under FOI must relate to documents, emails, databases, reports, or other tangible records that exist at the time of the request. Public authorities are not required to create new information or offer opinions in response to an FOI request. Additionally, verbal conversations or unrecorded discussions do not fall within the scope of FOI, ensuring that only documented facts are accessible. This limitation helps maintain clarity and ensures transparency while safeguarding informal exchanges and private deliberations from mandatory disclosure.
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- **Did any of the committee members raise any concerns or objections? If so, what were these concerns or objections?**
- The policy would not be approved by the PPC if there had been any concerns or objections raised,

4. After the meeting

- **In view of the questions above, would you still consider the meeting to be quorate for the approval of PD0351?**
- Yes
- **If so, I would be grateful for your explanation as to how the above factors were considered and mitigated for.**
- N/A
- **Who was responsible for ensuring the policy was available through both the Trust intranet and Lead Employer website by the date of implementation?**
- A member of the Trust's Quality and Risk Team is responsible for document control and for the Lead Employer this is a member of the Communications Team.
We are unable to provide the employee's name relating to the date, policy and position as when used together it could identify the individual in question. This would constitute personal information and would be considered exempt under Section 40 of the Freedom of Information Act. Section 40 (FOI Act) provides an exemption to disclosure, where disclosure would contravene any of the Data Protection principles. This exemption is an absolute exemption that is not subject to the public interest test. Where the information relates to an individual who can be identified from that data, or from

that data when added to other information, in the possession of, or likely to come into the possession of the data controller, this meets the definition of personal data as defined by the Data Protection Act.