



## **Water Industry Commission for Scotland**

### **Publication Scheme**

### **FREEDOM OF INFORMATION (Scotland) ACT 2002**

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# **1 INTRODUCTION**

## **1.1 General Purpose of the Freedom of Information (Scotland) Act 2002**

The Freedom of Information (Scotland) Act 2002 gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. Any person who makes a request to a public authority for information is entitled to receive that information, subject to exemptions.

## **1.2 Why the Water Industry Commission for Scotland has a Publication Scheme**

Under Section 23 of the Freedom of Information (Scotland) Act 2002 (the Act), the Water Industry Commission For Scotland must adopt and maintain a publication scheme setting out the information that is routinely made publicly available. The scheme has to be approved by the Scottish Information Commissioner, who is responsible for the enforcement of the Act. In addition the Water Industry Commission for Scotland (WIC) has to ensure that the scheme is reviewed periodically.

In adopting (or reviewing) the publication scheme, WIC is required to have regard to the public interest in:

- allowing public access to information held; and
- the publication of reasons for decisions taken.

## **1.3 Purpose and Aims of the Publication Scheme**

Under the Act the WIC publication scheme will include:

- the classes of information WIC publish or intend to publish;
- in what format the information is available;
- whether the information is free of charge; and
- the cost of all chargeable information.

The purpose and aims of the publication scheme include:

- advise on what information is readily available from WIC i.e. the information that can be obtained on request;

- improve public access to information; and
- increase public involvement.

The WIC website will be used to maintain up-to-date information and contacts within the office.

## **2 ABOUT THE WATER INDUSTRY COMMISSION FOR SCOTLAND**

### **2.1 Title**

The Water Industry Commission for Scotland.

### **2.2 Main Functions and Responsibilities**

The Water Industry Commission for Scotland was created by the Water Services etc. (Scotland) Act 2005. The Commission replaced the Water Industry Commissioner. The Commission has the power to determine the maximum level of charges required to ensure that the objectives of the Scottish Ministers for the industry can be met at the lowest reasonable overall cost. This contrasts with the advisory role on charges of the former Water Industry Commissioner for Scotland.

The Water Services etc. (Scotland) Act also introduced a framework for competition in the water industry that is consistent with the social, environmental and public health objectives of the Scottish Ministers. The Commission is charged with further developing the framework for the regulation of Scottish Water within a public sector context.

You can find a copy of the legislation covering the Water Industry on:  
<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050003.htm>

### **2.3 Board of the Water Industry Commission for Scotland**

The Commission comprises a non-executive Chairman and four other non-executive members. The Chief Executive is also a member of the Commission. The Commission's board structure reflects current regulatory practice.

### **2.4 Role of Waterwatch Scotland**

Waterwatch Scotland is a new national organisation with powers to deal with complaints against Scottish Water and make statutory recommendations in respect of the water industry. Waterwatch Scotland replaces the five former regional Water Customer Consultation Panels and has increased powers through the Water Services etc. (Scotland) Act 2005.

The contact details for Waterwatch Scotland are as follows:

Waterwatch Scotland  
Forresters Lodge  
Inglewood  
Alloa  
FK10 2HU

Local Rate: 0845 850 3344

Office: 01259 725335

Web: [www.waterwatchscotland.org](http://www.waterwatchscotland.org)

e-mail: [customersupport@waterwatchscotland.org](mailto:customersupport@waterwatchscotland.org)

**Memorandum of Understanding:** The Memorandum of Understanding between the Water Industry Commission for Scotland and Waterwatch Scotland on the way we work together will be available on request.

## **3 FORMULATING THE PUBLICATION SCHEME**

### **3.1 Requirements**

Section 23 of the Freedom of Information (Scotland) Act 2002 (the Act) provides that in adopting or reviewing its publication scheme the Water Industry Commission for Scotland has regard to the public interest in allowing public access to information about:

- services provided by the office;
- the cost of those services;
- the standard attained by those services;
- the facts which form the basis of decisions taken by the office which are of importance to the public; and
- the publication of reasons for decisions made by it.

### **3.2 Preparation of Publication Scheme**

In formulating this publication scheme, the Water Industry Commission for Scotland has had regard to the guidance issued by the Scottish Information Commissioner under section 43 (2) of the Act and in particular took the following steps:

- reviewed the information that we are legally required to make available;
- assessed the types of information requested via written and telephone enquiries; and
- put the then Water Industry Commissioner for Scotland publication scheme out to consultation to other governing bodies i.e. Scottish Environment Protection Agency (SEPA), Scottish Water, Water Customer Consultations Panels (WCCPs), Drinking Water Quality Regulator (DWQR) and the Scottish Executive.

## 4 RESPONSIBILITY FOR THE PUBLICATION SCHEME

The person who has overall responsibility for the publication scheme is:

Katherine Russell  
Director of Corporate Affairs & Customer Service  
Water Industry Commission for Scotland  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE

Telephone: 01786 430200  
Fax: 01786 462018  
Email: [katherine.russell@watercommission.co.uk](mailto:katherine.russell@watercommission.co.uk)

The person responsible for maintaining the publication scheme on a day-to-day basis is:

Donna Very  
Water Industry Commission for Scotland  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE

Telephone: 01786 430200  
Fax: 01786 462018  
Email: [FOI@watercommission.co.uk](mailto:FOI@watercommission.co.uk)

## **5 EXEMPTIONS**

The Water Industry Commission for Scotland's aim is to be as open as possible. However, information may be withheld from any of the classes of information listed in section 12 where we consider that disclosure may fall within one of the exemptions contained in the Act. For example, we may withhold information if its disclosure would breach the law of confidentiality or seriously prejudice the commercial interests of any person or organisation. We will also withhold information, which is personal data under the Data Protection Act 1998.

In these cases, we will withhold the information and indicate why the information is being withheld. Where an exemption exists, it may be possible to provide copies with the exempted information edited out.

If you wish to complain about information, which is being withheld from you, please read the "complaints" section below in section 10.

## **6 ARCHIVING POLICY**

All our information is held in-house for a minimum of three years and, where appropriate, thereafter archived externally.

## **7 COPYRIGHT**

Information obtained from this publication scheme can be copied or reproduced without formal permission provided it is copied or reproduced accurately; it is not used in a misleading context; and provided that the source of the material is identified and the copyright status acknowledged.

Some information we include in our scheme may be the copyright of a third party. Our rights to hold and use such material do not extend to others. You must obtain authorisation from the copyright holder(s) concerned if you wish to copy or reproduce such material.

## 8 ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME

It should be noted that only single copies of hardcopy material will be provided.

Accessing information -

**By web:** Some information may be available on our website: <http://www.watercommission.co.uk>.

**By email:** Information can be sent by e-mail wherever practicable. When requesting information, please include a telephone number so we can telephone to clarify the details if necessary. Our email address is [FOI@watercommission.co.uk](mailto:FOI@watercommission.co.uk)

**By phone:** Information can be requested over the telephone. Please provide full contact details, including a telephone number, so that we can telephone to clarify any details, if necessary. Our general enquiry line is 01786 430200.

**By post:** The majority of information is also available in a paper copy form. Please address your request to:

Donna Very  
Water Industry Commission for Scotland  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE

**Personal visits:** For some classes of information, you may need to make an appointment to view the information. Contact details as above.

If you have difficulty determining the information you want to see, contact Donna Very on the contact details above.

## **9 CHARGING POLICY**

Information that we publish is available free on our website. Most of our publications are free via request, although for large orders or multiple copies of a single document, printing, photocopying, postage and packaging charges may apply. Where printing and photocopying charges are applied, they will not exceed 10 pence per copy page.

Where there is a charge associated with the provision of published information.

Any applicable charges would be payable in advance.

## 10 COMPLAINTS

If you wish to complain about any aspect of our publication scheme please contact Donna Very at:

Water Industry Commission for Scotland  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE  
Telephone: 01786 430200  
Email: [FOI@watercommission.co.uk](mailto:FOI@watercommission.co.uk)

If you are unable to resolve any complaint, you can complain to the Scottish Information Commissioner who oversees the Act - details are available below. From 1 January 2005, when the general right of access came into force, there is formal appeal mechanism when information is withheld. Further details of this are available on the Commissioner's website at [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

The contact details for the Commissioner Kevin Dunion are:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Telephone: 01334 464610  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)  
Web Address: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

## 11 FEEDBACK

As part of our statutory duty we are required to review our publication scheme periodically. The Water Industry Commission for Scotland welcomes feedback on how we can develop our scheme further. If you want to make any comments about the publication scheme or if you require any further assistance please contact:

Donna Very  
Water Industry Commission for Scotland  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE  
Telephone: 01786 430200  
Email: [FOI@watercommission.co.uk](mailto:FOI@watercommission.co.uk)

Please let us know for example: -

- What did you like/dislike about this publication scheme?
- What else would you like to see in this Publication Scheme?
- Did you find the information you wanted easily and were the members of staff helpful?
- Do you have any suggestions on how to make the Water Industry Commission for Scotland's publication scheme more open and transparent in the provision of information?

## 12 CLASSES OF INFORMATION

The Act requires the Water Industry Commission for Scotland to list the classes of information (categories) it publishes.

### **Availability**

The majority of information listed below is available on our website. However, if you are unable to locate any information then it can be made available on request. (As per section 8 page 12)

The categories are detailed below:

## **12.1 REGULATION**

### **12.1.1 Press Notices**

**Description** - All press releases and information published by the Water Industry Commission for Scotland since July 2005.

### **12.1.2 PR Presentations**

**Description** – Presentations made in public by the Water Industry Commission for Scotland.

### **12.1.3 Board Meeting Agendas & Minutes**

**Description** – Minutes and agendas of Commission Board meetings.

### **12.1.4 Information Notes**

**Description** - A series of brief notes that describe our work, duties and issues that may interest customers.

### **12.1.5 Annual Performance Reports**

**Description** – Three annual reports on progress in the Scottish water industry. These reports summarise information included in Scottish Water's regulatory information returns.

### **12.1.6 Regulatory ('COMM') Letters**

**Description** – "COMM" letters requesting information relating to various aspects of Scottish Water's activities.

### **12.1.7 Regulatory Returns**

**Description** – All non-confidential data provided to the Water Industry Commission's office by Scottish Water for regulating. Included would be non-confidential reports on Scottish Water's submissions.

### **12.1.8 Reporting Requirements**

**Description** – Detailed guidance issued by the Water Industry Commission provided to Scottish Water for completion of Regulatory Returns.

### **12.1.9 Reporters**

**Description** – Guidance issued to our Reporter detailing the aspects of Scottish Water’s information systems that the Commission requires reviewed.

### **12.1.10 Outputs Monitoring**

**Description** – Information relating to Scottish Water’s progress in delivering the outputs required under the objectives set by Ministers for Quality and Standards III.

### **12.1.11 Approving Scottish Water’s Charges Scheme**

**Description** – Our process on approving Scottish Water’s Charges Scheme.

### **12.1.12 Scottish Water’s Code of Practice**

**Description** - Our process on consideration of Scottish Water’s draft code of practice on issues that matter to consumers.

### **12.1.13 Responses to Parliamentary Inquiries**

**Description** - All of the Water Industry Commission for Scotland’s responses to parliamentary inquiries.

### **12.1.14 Responses to Competition Commission Inquiries**

**Description** - The Water Industry Commission for Scotland’s responses to inquiries by the Competition Commission.

## **12.2 STRATEGIC REVIEW OF CHARGES**

### **12.2.1 Outcome of Strategic Review of Charges 2006-10**

**Description** –The Commission published its final determination of Strategic Review of Charges for the review period 2006-2010 at the end of November 2005.

Also available within this category:

- Draft Determination June 2005
- Ministerial Guidance
- Correspondence relating to Strategic Review of Charges 2006-10
- Open Letter to Minister
- Methodology of Strategic Review of Charges 2006-10
- Scottish Water Draft Business Plan
- WICS Guidance & Definitions to Scottish Water on completing the Draft Business Plan
- Previous Strategic Review of Charges 2002-06

### **12.2.2 Financial Model**

**Description** – The Water Industry Commission uses a financial model to calculate the revenue that will be required from customers. A detailed manual accompanies the model.

### **12.2.3 Strategic Review of Charges 2010-14**

**Description** – The Commission will be publishing its final determination of charges for the review period 2010-14 in November 2009. Relevant documents will be published in the period leading up until 2009. In addition, Commission board papers relating to the above will be available following publication of the final determination.

## **12.3 COMPETITION AND LICENSING**

The Water Services etc. (Scotland) Act 2005 (WSSA) requires all providers of water and sewerage retail services in Scotland to be licensed. The WSSA sets out the Commission's role in establishing and regulating a licensing framework for the industry.

### **12.3.1 Licensing Consultations**

**Description** - In its work in establishing the licensing regime for the market, the Commission is publishing a series of consultation documents. All non-confidential responses to these consultations are also published.

### **12.3.2 Register of Licences**

**Description** - Under the WSSA, the Commission must publish a register of water services licences and sewerage services licences. This register is published on our website.

### **12.3.3 Monitoring, Enforcement and Financial Penalties**

**Description** – The Commission's policy on monitoring compliance with licences under the new retail water market.

## **12.4 MANAGING WHAT WE DO**

### **12.4.1 Annual Reports and Accounts**

**Description** - Annual Reports and Accounts for the Water Industry Commission for Scotland.

### **12.4.2 Management Structure**

**Description** – Details of Water Industry Commission for Scotland staffing structure.

### **12.4.3 Corporate Plan**

**Description** – Programmes setting out the activities the Water Industry Commission for Scotland will take in the three years ahead.

### **12.4.4 Job vacancies**

**Description** – All job vacancies for external recruitment.

### **12.4.5 Staff Guidance and HR Policies**

**Description** – Internal guidance to staff including our handbook covering all staff management procedures, code of conduct and our health and safety guidance.

### **12.4.6 Water Industry Commission responses to/from consultations**

**Description** – All published responses by WIC to external consultations and responses to our consultations.

### **12.4.7 Register of Interests**

**Description** – Statement of Interests made by WIC Board members, including any political activity within the last five years.

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