

## **AGENDA ITEM**

### **REPORT TO EXECUTIVE SCRUTINY**

**16<sup>th</sup> DECEMBER 2016**

### **REPORT OF CORPORATE MANAGEMENT TEAM**

## **SCRUTINY REVIEW OF FREEDOM OF INFORMATION REQUESTS**

### **SUMMARY**

This report presents Elected Members with context, findings and recommendations following the officer led review of practice with respect to Freedom of Information requests.

### **RECOMMENDATION**

1. Members note the detail of the report
2. Maximise the opportunities presented through recent restructures to provide an effective gatekeeping and signposting function.
3. Consider the wider use of a case management tool, maximising any automated functionality.
4. Provide training to key officers on the use and interpretation of the Freedom of Information legislation including practice and procedures adopted by the council.
5. Review and refresh as required the Councils Publication Scheme linking the publication of information to frequently requested data sets.
6. Continue to participate in sharing good practice, local and regional benchmarking groups.
7. Maximise opportunities resulting from the Parliamentary review of the Freedom of Information Act, once published.

### **BACKGROUND**

1. The scoping document (**Appendix 1**) for the Freedom of Information (FOI) Review presented the overall aims as:
  - To provide an understanding of the requirements of Freedom of Information legislation
  - Demonstrate how the council currently manages FOI Requests,
  - Examine the scope within the legislation to consider options that might better support our approach to managing FOI's
  - Share examples of type and complexity of the sorts of requests received
  - Consider recommendations for improvements to the way in which we manage demand and requests going forward.
2. The key lines of enquiry were defined as:
  - Appropriate interpretation and use of the legislation to manage demand.
  - Use of the exemptions, best practice with respect to use of exemptions.
  - Volumes and Officer time spent on collating and responding to FOI's.
  - Processes to record and respond to FOI.
  - Publication and transparency
  - Whether any records management learning opportunities can be gained which lead to further efficiencies.

- Whether learning opportunities are being sought as a result of the information gathered to respond to the initial requests
- Practice elsewhere

## CONTEXT

3. The review to date has provided Members with the detail of the requirements of the FOI legislation for Local Authorities, an overview of the exemptions permitted within the legislation, the current devolved model of practice and procedures used within Stockton to manage FOI's. Volumes of requests and statistics on the source of requests and trends in information requests received over the last three years, have also been shared along with some examples of requests received, to showcase the variety, complexity and how the use of exemptions are applied in certain circumstances.
4. The work of the regulator, the Information Commissioner was shared, particularly their role in upholding information rights in the public interest and the promotion of openness and transparency by public bodies. The regulator regularly publishes outcomes from their case work and provides an advice and guidance service, which is well used by the authority.
5. Members were made aware of the ongoing work undertaken by a small working group, comprising FOI officers from across the services, including system support, who within the boundaries of a devolved practice model have delivered many improvements to the process, recording, and practices used to manage FOI's, over the past few years. This has delivered a more streamlined and consistent process, a central recording system; which in turn has provided a much greater level of intelligence about volumes, source and topics of request, an improved customer experience and importantly a reduced and more managed risk to the authority, its reputation and in compliance with the requirements of the legislation and the Information Commissioner.
6. The working group has facilitated the sharing of good practice amongst FOI Officers, provided a greater level of support across service areas and raised the profile of information governance with respect to records management. Officers involved in dealing with FOI's have gained a greater level of knowledge and understanding of the legislation and through experience, the work of the Information Commissioner in their interpretation of the legislation. This provides as solid basis on which to move forward.
7. In undertaking this scrutiny review the work of this group has contributed to the review enquiries and subsequent development of the recommendations.
8. A further opportunity to streamline processes and provide a more effective gatekeeping, advice and guidance role to officers across the Council, presents itself through a recent review of FOI functions in Children Education and Social Care and Policy Improvement and Engagement. Coupled with the recent Senior Management restructure, which will bring the devolved FOI functions from all existing service areas into one Directorate. This will facilitate greater opportunities to drive forward the recommendations, leading to improved operational practices and time efficiencies.

## FINDINGS

9. Case studies considered as part of this review has highlighted some inconsistencies in the interpretation and use of the legislation which impacts on the amount of officer time spent by both the FOI teams and other officers from across the council who contribute to collating responses. Findings suggest that this is down to a lack of knowledge and understanding of the requirements of the act and the appropriate use of exemptions. In some instances this leads to a full response being provided when full or partial exemptions could have been used. Further officer training on the legislation and the councils' approach/ practices will support a wider understanding and interpretation of the legislation.
10. It is recommended therefore that the opportunities presented through restructuring arrangements are maximised to provide better gatekeeping, advice and training to officers across the council, to utilise the legislation more effectively and as a result reduce the overall officer time spent on dealing with requests.
11. The Information Commissioner provides a comprehensive guidance note on Publication Schemes and best practice. The council operates a publication scheme, which has developed over time. An initial review of the scheme and consideration of best practice examples from elsewhere suggest that more effective use of our publication scheme would result in requesters being signposted directly to published information rather than in some instances a more time consuming approach through the FOI process. It is recommended therefore that in conjunction with intelligence provided through FOI monitoring, the publication scheme is reviewed and where appropriate through publication of data sets, more effective use made of the scheme.
12. The Council has for a number of years used a case management system to manage FOI requests within the statutory timescales required. Initially this system was only used in one directorate and over the last few years, all service areas have now migrated to this system. Significant benefits have been realised as a result of using a single recording platform; improved intelligence, reduced risk, more effective monitoring of timescales etc. However, it is recognised that further efficiencies could be realised from this system, for example more effective use of automated functions, such as templates, and a wider rollout of users. Both would lead to greater efficiencies in officer time spent. It is recommended that consideration is given to the wider use of the case management system and better use, through training and development are made of the automated functions currently available.
13. The established cross service area working group has evidenced that working together, sharing knowledge skills and good practice has many wider benefits. The authority also participates in a regional Information Governance group that meet quarterly to share good practice, case law and intelligence on frequent requesters and those who circulate requests to all local authorities. Pooling resources/ intelligence on such matter is beneficial and will continue to be as each local authority's resources reduce. It is recommended that benchmarking and sharing good practice continue to be part of Stockton approach to managing FOI requests with a view to managing demand and reducing risk to the authority?
14. In July 2015 the Government commissioned a review of the Freedom of Information Act 2000 which is being led by Lord Burn. The Commission is considering the balance between transparency, accountability and the need for sensitive information to be protected. The Commission expects to report its finding in late January 2016. It is recommended that the outcome of this review is considered with any opportunities maximized and reflected in Stockton's approach going forward.

## Next Steps

15. Following the approval of any recommendations by cabinet in February 2016, an action plan is developed to progress the recommendations, with reports on progress referred back to Executive Scrutiny committee as appropriate.

**Name of Contact Officer:** Kate Fulton  
**Post Title :** Business Support and Improvement Officer  
**Telephone Number:** 01642 526089  
**Email Address:** [kate.fulton@stockton.gov.uk](mailto:kate.fulton@stockton.gov.uk).

**Name of Contact Officer:** Lesley King  
**Post Title:** Head of Policy, Improvement and Engagement  
**Telephone No.** 01642 527004  
**Email Address:** [lesley.king@stockton.gov.uk](mailto:lesley.king@stockton.gov.uk)

## Executive Scrutiny Committee

### “Reporting In” Review – Freedom of Information Requests

#### Outline Scope

<p><b>Scrutiny Chair:</b> Councillor David Harrington</p>
<p><b>Responsible Officer:</b> Lesley King / Kate Fulton</p>
<p><b>Scrutiny Link Officer:</b> Judith Trainer</p>
<p><b>Which of our strategic corporate objectives does this topic address?</b></p> <p>Council Plan Objectives –</p> <ul style="list-style-type: none"> <li>Continuing to ensure we have strong corporate and ethical governance</li> </ul>
<p><b>What are the main issues and overall aim of this review?</b></p> <p>Aim To provide members with an understanding of the requirements of Freedom of Information legislation, how the council currently manages FOI Requests, what potential and scope there is within the legislation that might better support our approach, share good practice examples and to consider recommendations for improvements to the way in which we manage requests.</p> <p>Key issues :</p> <ul style="list-style-type: none"> <li>Volumes</li> <li>Complexity of requests</li> <li>Links to Media Enquiries.</li> </ul> <p>There are links with Freedom of Information to the open government/ transparency agenda. The review will highlight the links and potential impact on volumes/ processes.</p>
<p><b>What are the key lines of enquiry:</b></p> <ul style="list-style-type: none"> <li>Appropriate interpretation and use of the legislation to manage demand.</li> <li>Use of the exemptions, best practice with respect to use of exemptions.</li> <li>Volumes and Officer time spent on collating and responding to FOI's.</li> <li>Processes to record and respond to FOI.</li> <li>Publication and transparency</li> <li>Whether any records management learning opportunities can be gained which lead to further efficiencies.</li> <li>Whether learning opportunities are being sought as a result of the information gathered to respond to the initial requests</li> <li>Practice elsewhere</li> </ul>

<p><b>Who will the Committee be trying to influence as part of its work?</b></p> <p>Central government , Cabinet, Council Services</p>
<p><b>Expected duration of review and key milestones:</b></p> <p>Scope – 15<sup>th</sup> September 2015  Baseline – 24<sup>th</sup> November 2015  Options and Recommendations – 16<sup>th</sup> December 2015  Cabinet – 11<sup>th</sup> February 2015.</p>
<p><b>What information do we need?</b></p> <p><b>(Background information, existing reports, legislation, central government documents, etc.):</b></p> <ul style="list-style-type: none"> <li>• FOI Legislation</li> <li>• Transparency Regulations</li> <li>• Information Commissioner Advice and Guidance</li> <li>• Volumes and response timescales.</li> <li>• FOI Management Information</li> <li>• Process flowchart</li> <li>• Benchmarking, practice in other Local Authorities; good practice examples.</li> <li>• Central Government review</li> </ul>
<p><b>How will this information be gathered? (eg. Financial baselining and analysis, benchmarking, site visits, face-to-face questioning, telephone survey, survey)</b></p> <p>Desktop Analysis, benchmarking.</p>
<p><b>Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:</b></p> <ul style="list-style-type: none"> <li>• Effective use of exemptions</li> <li>• Recommendations to the Parliamentary committee reviewing the legislation</li> <li>• Publication of information</li> <li>• Standardised approach</li> <li>• Managing demand.</li> </ul>

