

## Executive

30 March 2010

Report of the Assistant Director of Resources (Customer Service & Governance)

## Public reporting of enquiries and replies made under the Freedom of Information Act 2000

### Summary

1. This report considers options for publishing requests for information made under the Freedom of Information Act, with related replies, on the council's public website. It also comments on the routine publication of information and the council's Publication Scheme.
2. The Leader of the Council, Cllr Waller, in reply to a member question at Council on 4 February 2010, responded:

*"I agree that openness and transparency would be improved by the council publishing details of Freedom of Information requests and answers on the council website. I have asked officers to draw up a report to investigate how this can happen, and it is my hope that it will not only improve the operation of the Act but also save officer time in answering questions that have already been asked, and show to the public the nature of the questions that the council is answering on their behalf."*

### Background

3. The Freedom of Information Act (FOI) obliges the council, in response to a written request, to disclose any information it holds, unless it is exempt. The council must also provide a "Publication Scheme", a guide to information routinely published, the purpose of which is to deflect requests towards the published source and so save officer time.
4. The number of requests the council has received since the Act was introduced in January 2005 is provided at Table 1 below. The figures demonstrate that the number of FOI requests received by the council has increased significantly since the Act was introduced and there is no indication that this trend will not continue. Responding to FOI requests will therefore continue to absorb considerable officer time. Many different types of request are submitted and topics can vary between requests for information on council policy and procedure to financial statistics. Whilst the highest numbers of requests are made by members of the public, a significant number also come from

journalists. Whilst it is service managers who provide the information, enquiries are “tracked” within departments, and centrally by the Information Governance service (provided by Veritau Ltd), to ensure quality control of the application of the related Code of Practice<sup>1</sup> and to provide summary statistics.

**Table 1 FOI enquiries by calendar year**

2005	2006	2007	2008	2009
223	241	210	440	482

5. The Ministry of Justice has provided a template to enable comparable statistics to be prepared and published; those for the City of York Council will be available very shortly. Analysis of these statistics will be reported to the Audit & Governance Committee twice a year.
6. Options for the publication of requests and the answers to those requests are set out below, along with comments on the operation of the Publication Scheme.

### **Consultation**

7. The council’s Web Manager has offered advice about the practical implications and costs of the options set out below.

### **Options**

There are four main options for members to consider:

8. Option 1. Maintain a web page for each request, to which is added any relevant correspondence and eventually the reply and the information requested. Most of this would be in PDF format, possibly prepared all at once when the enquiry is closed. PDF format is most suitable because much correspondence is by email and includes electronic attachments, and they are not easy to alter or manipulate.
9. Option 2. Publish only the questions, with an offer to provide the actual reply on request. A copy of all correspondence to be kept centrally so that any such requests can be answered without reference back to the service concerned.
10. Option 3. Carry out a trial of Option 1 to test how many duplicate enquiries can be deflected to the published pages, measure how much work is required to prepare them, and thus the likely costs and time saving that can be generated, and report back in three months’ time. In addition identify more information to be published routinely, and test whether this is likely to reduce the number of FOI enquiries.
11. Option 4. Do nothing.

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<sup>1</sup> The Code of Practice fulfils Section 45 of the FOI Act. The aim of the Code is to set out good administrative practice to be followed when handling requests, providing advice on how to respond or transferring a request, where appropriate, to another authority.

12. There may be a range of other options which sit between Option 1 and Option 2, and the timescales for Option 3 would allow time to explore other variations for efficiency and effectiveness.

### **Analysis**

13. To prepare a web page to suitable publication standards (Option 1), it is estimated that it would take between one and two hours per enquiry although this may reduce as skill improves. The council currently receives on average just over 11 new enquiries per week. There would therefore be an estimated resource requirement beginning at an equivalent of about 0.5 of a full-time officer post at Grade 4 (see financial implications below in paragraph 19), and rising, to update and maintain the web pages for new requests. However there may be an offsetting saving in work elsewhere in the council if enough enquiries can be answered by reference to the new web pages, but these costs and benefits would be mutually exclusive.
14. Option 2 at paragraph 9 is the facility currently offered by many other councils, including North Yorkshire County Council. It is relatively inexpensive, requiring only the current weekly email lists sent to Executive members to be re-presented to publishing standards. North Yorkshire (with significantly more enquiries per month) currently receives about five such requests for information via this route per year, so this option would not require any additional staff resources to administer. It would also require the Information Governance service (Veritau Ltd) to be more closely involved with each enquiry, thereby offering additional quality-control benefits compared to the existing arrangements.
15. Option 3 offers the opportunity to test possible costs/benefits – in order to provide an evidence-based firm recommendation for the way forward and demonstrating an immediate commitment to greater openness. The publishing of a sample of enquiries published in this way for three months can be accommodated in existing resources, along with consideration of additional routine publication through the Publication Scheme (see below). “Hits” on those pages can be counted to help draw conclusions about what might be achievable within available resourcing limits and possible impact on total FOI enquiries.

### **Publication Scheme**

16. A “model publication scheme” has been devised by the Information Commissioner and it was formally adopted by the council in December 2008. Officers are currently reviewing compliance with it, with the objective to increase the proportion of published information and maximise the number of requests that can be re-directed to that published information. It will also minimise the risk of intervention by the Commissioner who expects compliance with the model scheme.
17. A second objective will be to identify what information might be published as part of the Publication Scheme that is currently the subject of FOI enquiries, and if Option 3 above is chosen, to estimate the likely saving in work. The

more information that is routinely published, fewer specific enquiries are likely to be received.

### **Corporate Priorities**

18. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

### **Implications**

19.

- (a) **Financial** – The additional resource requirements which would arise from adopting Option 1 could not be met by reducing other aspects of work within the Information Governance service (Veritau Ltd) without impairing the quality of its other mainstream work, or the improvement plan described in the Information Governance Strategy (see report on this same agenda). This option would therefore require additional funding of approximately £10k to 12k per annum. However, the additional administrative work which would arise as a result of adopting Options 2 and 3 (as recommended) could be absorbed within existing staff resources. There would also be no other cost implications arising from the use of the council's public website for this purpose.
- (b) **Human Resources (HR)** -. If Option 1 is chosen then a new post would need to be created, existing job descriptions reviewed and the vacancy advertised and filled.
- (c) **Equalities** - There are no implications.
- (d) **Legal** – There are no implications.
- (e) **Crime and Disorder** - There are no implications.
- (f) **Information Technology (IT)** - There are no implications other than the need to maintain additional web pages on the council's website.
- (g) **Property** - There are no implications.

### **Risk Management**

20. The options are intended to reduce the amount of officer time used in responding to FOI requests, and introduce no new risk. It is anticipated that the publication of FOI requests and the review of the Publication Scheme will ultimately result in the reduction of the number of requests that are made and reduce the risk of criticism or intervention from the Information Commissioner.

### **Recommendations**

21. Members are asked to consider and comment on the various options (1 to 4) outlined in the report.

22. Members are asked to agree Option 3, in addition to maximising the use of the Publication Scheme.
23. If Option 3 is agreed, to agree a further report to Executive in July 2010 on the outcomes of the trial activity and final proposals for a permanent solution, which both maximises openness and transparency, and improves efficiency in relation to time taken to process FOI requests.

Reason

*To ensure the council acts with maximum openness and transparency and provides as much information as possible within the resources available to it.*

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**Report Approved**



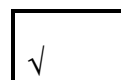
**Date** 19 March 2010

**Specialist Implications Officers**

Head of Legal, Civic & Democratic Services.

**Wards Affected:**

All



**For further information please contact the author of the report**

**Background papers**

*Publication Scheme* City of York Council 2008; see <http://www.york.gov.uk/council/information/foi/scheme/>

**Annexes**

None

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