

Report of the Director of Customer & Business Support Services

FREEDOM OF INFORMATION (FOI) UPDATE

Summary

1. In June 2014, members received an update on progress against the council's review of FOI processes to respond to the draft Annual Governance Statement, including information governance risks around the processing of FOIs and also on progress made with planned improvements to address the findings from the related 2013 internal audit report. This is a six monthly update on progress and performance, and includes the financial information on the costs of FOIs that members of the Committee requested.

Background

2. As reported to two previous committee meetings and since commencing a centralised approach from September 2012, the total amount of business passing through the Customer Feedback Team, has risen by 400%. The majority is related to complaints but with an evident increase in number of FOIs received. There was a reported 72% increase in the number of FOI enquiries in 2013/14 from the number received in 2011/12 two years before.
3. The FOI transactions for City of York Council (CYC) for the financial years 2011 to 2014 and to September 2014 are summarised in the table below with the percentage answered shown within the 20 day prescribed deadline set by the Freedom of Information Act 2000.

Financial Year	Number of FOIs	% Completed Within 20 Days
2011/12	804	87%
2012/13	954	75%
2013/14	1384	81%
2014/15 (April to Sept only)	879	92.6%

4. According to a survey of councils carried out by University College London (UCL) in 2010, the average percentage of requests completed by unitary authorities within 20 days was 83.2%.

Update

5. It is important to note that following the changes to FOI processes and the introduction of improved monitoring processes, which were described to members at September 2013 and June 2014 meetings, considerable and sustained improvements in the % of FOI enquiries responded to in time has been achieved as demonstrated in the table below:

	April	May	June	July	August	Sept	Average for 2014/15
Percentage 'In Time'	92.0%	91.9%	92.5%	97.4%	91.9%	89.7%	92.6%

Quarterly and monthly performance data is shown at Annex A and B of this report.

6. The improvements were made through the introduction of :
- a) The introduction of an internal deadline of 15 days and escalation procedures;
 - b) All FOIs are sent to Heads of Service and copied to Assistant Directors;
 - c) An improved and clear mechanism in place for cross council enquiries;
 - d) An independent review process, conducted by Veritau Ltd, the council's auditors;
 - e) Quarterly quality assurance monitoring conducted by Veritau;
 - f) Monthly performance reports for Directorate Management Teams including follow up information on out of time responses;
 - g) Quarterly performance reports for Directorate Management Teams and Corporate Management Team;
 - h) Corporate monitoring being undertaken by the Director of Customer & Business Support Services and the cross –council Corporate Information Governance Group (CIGG);
 - i) Annual and interim reports to Audit & Governance Committee.
7. Further improvements have been made since the last report to this committee. This has been achieved by:
- a) The FOI practitioner qualification obtained by staff within the Customer Feedback Team;
 - b) The development of training and toolkit information (including a “handy guide to getting it right”) which has been delivered to a pilot staff group to inform a wider rollout of sessions.
 - c) An online FOI enquiry form has been developed and is available through the council website, increasing the contact channels available to make a FOI enquiry. This can be found at the following link:
http://www.york.gov.uk/forms/form/10/freedom_of_information_request

- d) The very recent introduction of the requirement for all late responders to complete an action plan, giving information on why the response was late, as well as any actions or lessons learned they can do to ensure this is avoided in the future. This is submitted to the Director of Customer and Business Support Services.
 - e) Workshops have been held across the council to support the completion of the audit of published data against CYC's own and nationally prescribed publication schemes. This will ensure that the council is publishing as much as possible in a clear and understandable way, on its website. This will further inform the changes still needed to be made to improve the transparency and accessibility of such information.
 - f) Gathering of information on how long it takes to compile full FOI responses which will be published in future.
8. At the meeting of this Committee in June 2014 members requested information on the costs of processing FOIs; the average cost of producing an FOI is £136.45. Using the FOI figures for April to September 2014, the approximate cost to the council for responding to FOIs is £119,939 to date, and was £190,211 in the previous year.

Work in progress

9. The following areas of work are in progress or planned:
- a) Inclusion of cost information for FOI enquiry responses to be included on performance reports.
 - b) Publication on the council website of performance reports (including costs).*
 - c) Publication of data that is themed to allow easier identification of information which should result in a corresponding reduction in volume of FOI enquiries.*
 - d) Website pages being improved to enable easier identification of previous FOI enquirers made and responses.*
 - e) Further improvements to our performance reports to show month on month totals rather than separate totals only.
 - f) Mapped out initial actions to improve our approach and processes for complying with Data Protection subject access to records requests.
 - g) Working jointly with Veritau on improvements to our ICO casework handling process including responses.
- *All website content and changes are being reviewed and planned in line for a refreshed look and feel of the council's website scheduled for April 2015.

10. With regard to FOI reviews undertaken by Veritau, in the current financial year 26 reviews have been carried out compared to 70 in 2013/14. 7 were reviews of the application of exemptions and the remaining of late or partial

responses. Of the 7 reviews of the application of exemptions, Veritau upheld the council's decision in 5 cases, ruled against the council in 1 and ruled partially in favour of the council in 1 case.

11. With regard to referrals of FOI complaints to the ICO in April to September 2015, the following case decisions are available, none as yet from September. The close monitoring of responses within the council should improve 'no response' performance over time.

REASONS FOR REVIEW	Total	April			May			June			July			August		
		F	P	A	F	P	A	F	P	A	F	P	A	F	P	A
No response	4						3						1			
Response > 20 working days	0															
Incomplete response	2							1							1	
Application of exemption	4		1									3				
Information inaccurate	0															
Total	10	0	1	0	0	0	3	1	0	0	0	3	1	0	1	0

Key

F= outcome in favour of the Council,

P= outcome partially in favour of the Council,

A= outcome against the Council

Consultation

12. The report is for information only.

Options

13. The report is for information only.

Analysis

14. All analysis is contained in the report.

Council Plan

15. Compliance with the Freedom of Information Act is a legal requirement. Failure to deliver a good quality FOI service can have reputational damage for the council.

Implications

16.

- **Financial** –None
- **Human Resources (HR)** - None
- **Equalities** – None
- **Legal** Implementation of the actions arising from the internal and external reviews will assist in meeting the statutory requirements of the Freedom of Information Act.
- **Crime and Disorder** None
- **Information Technology (IT)** None
- **Property** None
- **Other** None

Risk Management

17. The information, update and actions outlined in this report are intended to reduce the time taken in processing FOIs and publication improvements may reduce the overall number of FOIs received, therefore introducing no new risk. Failing to sustain current performance however will again increase the risk of criticism or intervention from the Information Commissioner which can include financial penalties.

Recommendations

18. Members are asked to consider and note the contents of this report.

Reason: To ensure the council meets the requirements of FOI legislation, and is open and transparent in its publishing of information.

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Report
Approved



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2014

Wards Affected: *List wards or tick box to indicate all*

All

Annexes

Annex A - FOI Quarterly Performance Report April to June 2014

Annex B - FOI Quarterly Performance Report July to September 2014

Background Information

Previous reports to Audit & Governance Committee:

- Information Governance Strategy Update – Audit & Governance Committee 25 June 2014
- Information Governance Strategy Update, Including Freedom of Information Processes – Audit & Governance Committee 26 September 2013