

Corporate Governance and Standards Committee Report

Ward(s) affected: N/A

Report of Director of Resources

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Freedom of Information Compliance Update

Executive Summary

This is a regular report to monitor the Council's performance in dealing with Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests.

As of 8 November 2016, the Council's performance rate for delivery of FOIs stands at 84%, the same figure for this time last year. There is scope for improvement in order to meet the Key Performance Indicator (KPI) of 90%. However in mitigation, the position of Information Rights Officer was vacant for three months and the recording of FOIs was recently transferred to a new electronic system, so both factors may have had a disruptive effect on performance figures. Also, requests which require a Public Interest Test to be taken into consideration can be extended beyond the statutory 20 working day timescale, another factor which will have distorted the figures.

Recommendation to Committee

That the Corporate Governance and Standards Committee notes the officer actions and continues to receive updates.

Reason for recommendation

To ensure the Council meets its objective of 90% compliance.

1. Purpose of Report

- 1.1 The Corporate Governance and Standards Committee has requested this report to ensure the Council improves its response timescales for FOI and EIR requests.
- 1.2 Appendix 1 contains the performance figures for each service area and a total for the Council, including volume of FOI/EIR requests received and the percentage responded to on time.

2. Strategic Framework

- 2.1 Promoting openness and transparency in Council policy and decision-making is essential to promote public confidence within the Borough in order to improve prosperity and well-being as outlined in the Strategic Framework – i.e. the Council “will be open and accountable”.
- 2.2 Effective compliance with information governance, including the management of the Council’s FOI/EIR regime plays a key part in achieving these objectives.

3. Background

- 3.1 The Council is required to respond to FOI and EIR requests within 20 working days – subject to certain exceptions as long as the requester is kept informed – for example extra time can be taken to consider the Public Interest Test (PIT).
- 3.2 A new case management system (eCase) for the recording of FOI/EIR requests was implemented in June 2016. Whilst an improvement on the previous system, there are still certain issues around functionality which need addressing. The system is currently in use, but is under review.
- 3.3 The performance figures for 2016 (to date as of 8 November) are included in Appendix 1.

Update on progress in 2016

- 3.4 As at 8 November 2016, the Council had received a total of 625 FOI/EIR requests during the current calendar year. By comparison, a total of 672 requests was received during 2015. The Council’s performance time currently stands at 84% of requests being closed within the statutory time frame, compared with a figure of 81% at the end of 2015.
- 3.5 The percentage figure for 2014 was 69% of requests being complied with in time. However, a total of 848 requests was received in 2014, a considerably higher figure than that of 2015 – amounting to an increase of 26% in volume - and (to date) that of 2016.
- 3.6 Although the figures for both this year and last year mark a vast improvement since 2014, there is still room for progress. The current 84% figure is still below the standard KPI target of 90% and just slightly under the minimum performance target of 85%, which the Information Commissioner’s Office (ICO) uses to identify public authorities for monitoring.
- 3.7 Three directorates have experienced a drop in performance levels since last year. Corporate Services has fallen from 90% of requests on time in 2015 to a figure of 78% to date this year. Development’s performance rate has fallen from 90% to 79% during the same period. Resources has dropped by a narrow margin from 89% to 86%.

- 3.8 Two directorates, Community Services and Environment have improved their performance rates since last year having advanced from 72% to 90% and from 67% to 86% respectively.
- 3.9 It should be noted, however, that these figures are not necessarily an accurate reflection of the performance of individual service areas within their respective directorates, as a low figure for one service will bring down the average for the directorate as a whole - and conversely a high figure for one area will artificially inflate the average for the overall directorate.
- 3.10 It is unfortunately not possible at present to compare the performance figures for individual services with the most recent figures from last year, due to the corporate restructure which has taken place since then. However, this will be rectified in the next report.
- 3.11 Two other directorates Chief Internal Auditor and Management Team have not had requests logged against them to date this year, so are not included in the current figures.
- 3.12 It is, however, encouraging that three directorates - Community, Environment and Resources – are currently above the ICO's minimum performance target of 85%, with Community meeting the current KPI target of 90%.
- 3.13 There are still also some requests which remain overdue after a number of weeks.

4. Consultations

- 4.1 This is a regular report and no formal consultations were necessary.

5. Equality and Diversity Implications

- 5.1 No Equality and Diversity Implications apply to this report.

6. Financial Implications

- 6.1 There are no financial implications to this report

7. Legal Implications

- 7.1 Failure to respond to FOI/EIR requests within 20 working days is a breach of the respective legislation. Requesters whose FOIs/EIRs have not been answered within the statutory time limit have the right to request an internal review and/or to make a formal complaint to the Information Commissioner's Office (ICO). There are therefore direct legal implications associated with the risk of reputational damage to the council, adverse publicity and active monitoring by the ICO.

8. Human Resource Implications

- 8.1 There are no HR implications within this report.

9. Summary of Actions

- 9.1 Directors will ensure requests remaining overdue in their service areas are resolved as soon as possible.
- 9.2 The Information Rights Officer will continue to provide updates for the Corporate Governance and Standards Committee. The next report will be able to compare performance figures for individual service since the corporate restructure.
- 9.3 The current case management system will be reviewed for functionality issues so that requests can be dealt with as efficiently as possible.

10. Conclusion

- 10.1 While the Council's FOI/EIR performance figures are adequate given recent circumstances, a target of 90% compliance is achievable. This would necessitate a 6% improvement in performance over the coming months, which is not an unrealistic target, provided efficient procedures are implemented and enforced. Directors should ensure that overdue requests for their services in Appendix 1 are resolved as efficiently as possible. Corporate Management Team should continue to monitor progress to drive improvement.

11. Background Papers

- Report on Guildford Borough Council's compliance with Information Rights Legislation in 2015 (16 June 2016)
- Freedom of Information Compliance Update – September 2015

12. Appendices

Appendix 1: FOI/EIR requests performance data