

**Freedom of Information
Scrutiny Review**

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**A report produced by
The Transformation and Resources Policy & Performance Committee**

WIRRAL BOROUGH COUNCIL

Freedom of Information Scrutiny Review

FINAL REPORT

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1 EXECUTIVE SUMMARY

The Freedom of Information Act was passed on 30 November 2000 and came into force in January 2005. It provides individuals or organisations with the right to request information held by a public authority. The main aspects of the Act include:

- Encouraging public bodies to be open and transparent;
- The requirement for requests to be responded to within 20 working days; and
- The requirement to set up and maintain a publication scheme; and

In 2013, Wirral Borough Council came under scrutiny by the Information Commissioner's Office (ICO) for the poor response times in responding to Freedom of Information requests within the 20 working day requirement. Following enforced monitoring action by the Information Commissioner, performance has improved significantly to over 85% and this was commended by the Panel during the review. The scrutiny review was conducted to ensure Wirral Council is moving in the right direction to manage Freedom of Information in compliance with the Information Commissioner's Office.

Despite improved performance corporately, Freedom of Information requests are handled across the Council inconsistently and departmental performance figures for 2013 show that not all departments met the 85% for all requests to be responded to within 20 working days. These departmental performance figures would also have included the first three months of monitoring (January 2013 to March 2013) by the ICO. Significantly poorer performing departments reduce the Council's capability to maintain and improve upon the 85% threshold now currently being met and also exceeded, to comply with ICO requirements. The Council is also faced with the potential challenge of the increasing number of requests being received.

Recommendation 1:

Council Directorates should appoint and develop Freedom of Information Champions and Deputies to cover all Council services and to act as a single point of contact between those services and the Freedom of Information Team. The implementation of Champions should be driven by Legal and Member Services, including the provision of the appropriate training and support for the role to be fulfilled effectively and consistently across the Council. Council Directorates should, however, determine which officers should carry out these roles based on staffing resources, number of requests received and of services provided. It is expected that this recommendation should be fully implemented by December 2014.

The Customer Relationship Management (CRM) software application is used for the Council's customer contact records, including recording all Freedom of Information requests received. Only the Freedom of Information Team utilises the software application for recording Freedom of Information requests. If Freedom of Information Champions are to be introduced, the Panel consider that these designated officers should be provided with appropriate access to CRM to ensure that all departmental actions / processes are recorded, including acknowledging the request has been received within an appropriate amount of working days.

Recommendation 2:

If departmental Champions are to be introduced, they should be provided with appropriate access to CRM. It should then be ensured that all departmental actions / processes are fully recorded within CRM, including acknowledging the receipt of the request within 2 working days to allow the Freedom of Information Team to monitor all requests received effectively.

90% of all Freedom of Information requests are received by email and are manually input into CRM. The Council's web based form allows requests input by this method to automatically populate CRM. Requests made from the What Do They Know Website are generated as an email but these require manual input.

Recommendation 3:

Legal and Member Services should investigate whether there is an existing technical solution for the CRM to be automatically populated with all requests made via the What Do They Know website and email. If a technical solution is identified, this should be fully tested to ensure all requests are captured before being implemented.

The review discussed the functionality of CRM in meeting the needs of the Council moving forward. Officers stated that there may be scope for acquiring a case management system that provides more functionality to meet the Council's needs. This was acknowledged by the Panel but the importance of ensuring a proper business case being developed was iterated. This was to ensure that the benefits of any case management system identified are consistent with actual needs of the Council and the cost implications.

Recommendation 4:

Legal and Member Services should determine the desired functionality of the IT software / workflow management system for the Council moving forward in managing Freedom of Information. If the existing CRM system is deemed not fit for purpose or too costly to configure, the feasibility of procuring a new case management system should be investigated. If the Council intends to acquire a new case management system, it should be ensured that a business case, supported by a cost-benefit analysis, is developed accordingly.

The Panel considered how performance is managed by the Council in relation to Freedom of Information. The review identified specific improvements to the performance information presented to both the Chief Executive's Strategy Group and the Transformation and Resources Policy & Performance Committee.

Recommendation 5:

In order to enhance performance management of compliance against Freedom of Information legislation, Legal and Member Services should:

- i) Ensure that the percentage of Freedom of Information requests responded to within 20 working days is reported to the Chief Executive's Strategy Group as part of the monitoring reports submitted, with the performance figure broken down at Council directorate and departmental level; and**
- ii) Liaise with the Performance & Business Intelligence Team to develop a solution for providing exception reporting on directorate and departmental performance where an appropriate threshold tolerance has not been met. This recommendation should be implemented in line with the commencement of the new municipal year.**

The Council's publication scheme is based on the model set by the Information Commissioner's Office. The model sets out the minimum requirements on what information should be published. The Panel believes that the Council should do more to publish information as part of the publication where emerging trends and themes have been identified from Freedom of Information requests received.

Recommendation 6:

Legal and Member Services should implement a process for identifying emerging trends and themes of all Freedom of Information requests received by the Council and to then ensure that the Council's Publication Scheme is appropriately updated with the relevant information.

The Information Commissioner's Office is encouraging public bodies to publish performance information on a regular basis and this practice has been adopted by a large number of local authorities. Furthermore, other public bodies publish summaries of Freedom of Information requests, such as the NHS. The Panel believes that by adopting these practices, the Council will enhance its directive on being open and transparent.

Recommendation 7:

Legal and Member Services should engage with the Corporate Marketing Team to implement a strategy on using the Council's internet website in order to:

- i) Publish the Council's performance on managing Freedom of Information requests on a periodic basis, including all relevant statistics such as volume of requests received; and**
- ii) Categorise and publish commonly asked Freedom of Information requests received with their respective responses.**

The Panel was provided with 20 recently made Freedom of Information requests, specifically those where the information was already published on the Council website. The Panel attempted to find the information asked for in these requests but concluded that there were difficulties on locating nearly all of them due to the functionality of the search feature on the website.

Recommendation 8:

Legal and Member Services is requested to note the views of the Panel on the search functionality of the Council's website, when using detailed search criteria. These views should be forwarded to the Corporate Marketing Team to ensure that they can be considered as part of the Council's ongoing development of the Council's website.

2. INTRODUCTION

At the meeting of the Transformation and Resources Policy & Performance Committee on 23 September 2013, Members approved a work programme which included a review of how the Council manages Freedom of Information. A Scrutiny Review Panel consisting of three Members of the Committee was established and a series of meetings were held. The purpose of the review was for the Panel to receive assurances that the Council is moving in the right direction in managing Freedom of Information.

3. BACKGROUND

The Information Commissioner's Office (ICO) is an independent public body set up to promote access to official information and to protect personal information by promoting good practice, ruling on eligible complaints, providing information to individuals and organisations, and taking appropriate action when the law is broken. The Information Commissioner enforces and oversees the Data Protection Act, the Freedom of Information Act, the Environmental Information Regulations, and the Privacy and Electronic Communications Regulations.

The Freedom of Information Act 2000 is defined as “An Act to make provision for the disclosure of information held by public authorities or by persons providing services for them and to amend the Data Protection Act 1998 and the Public Records Act 1958; and for connected purposes”.

The Act affords any person to make a request for information to a public authority and is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request, and if that is the case, to have that information communicated to him/her subject to any exemptions on disclosure.

4. ORIGINAL SCOPE AND METHODOLOGY

4.1 Scope

A scoping meeting was convened with the Review Panel, the Head of Legal and Member Services and the Information and Central Services Manager in November 2013. The agreed scoping document is included as Appendix 1. It was agreed that the focus of the review would concentrate on the following three key areas:

1. The Council's overall performance in meeting the requirements of the Information Commissioner's Office to respond to Freedom of Information requests.
2. The strategic approach to managing information and making information readily available as part of the Council's Publication Scheme.
3. The review of procedures and processes in place to manage Freedom of Information requests in ensuring that they are efficient and effective.

4.2 Methodology

In order for the Panel to understand the principles of Freedom of Information, a briefing paper was prepared by the Scrutiny Support Officer. This briefing paper provided a summary of the requirements for public authorities to comply with the Freedom of Information Act 2000 and to assist in developing the scope of the Task & Finish scrutiny review. A document entitled Information Commissioner's Office Guidance which provides guidance on request handling was also provided to the Panel.

It was determined that the scrutiny review would fall under the category of a short review with the focus being maintained on a small number of key areas in which Members believed scrutiny could add value. Two detailed 'question and answer' sessions were subsequently held with the Head of Legal and Member Services and the Information and Central Services Manager. To support Members in these sessions, the Panel requested or it was suggested by officers that further information and specific data analysis should be considered as part of the review. Information / analysis included:

- Benchmarking the volume of Freedom of Information requests received by Wirral Council against other comparably sized local authorities;
- An analysis of Council performance since April 2012 and a breakdown of departmental performance;
- Process maps for the lifecycle of a Freedom of Information request; and
- Examples of Freedom of Information requests that have recently been received and closed and where the information was already made available in the public domain.

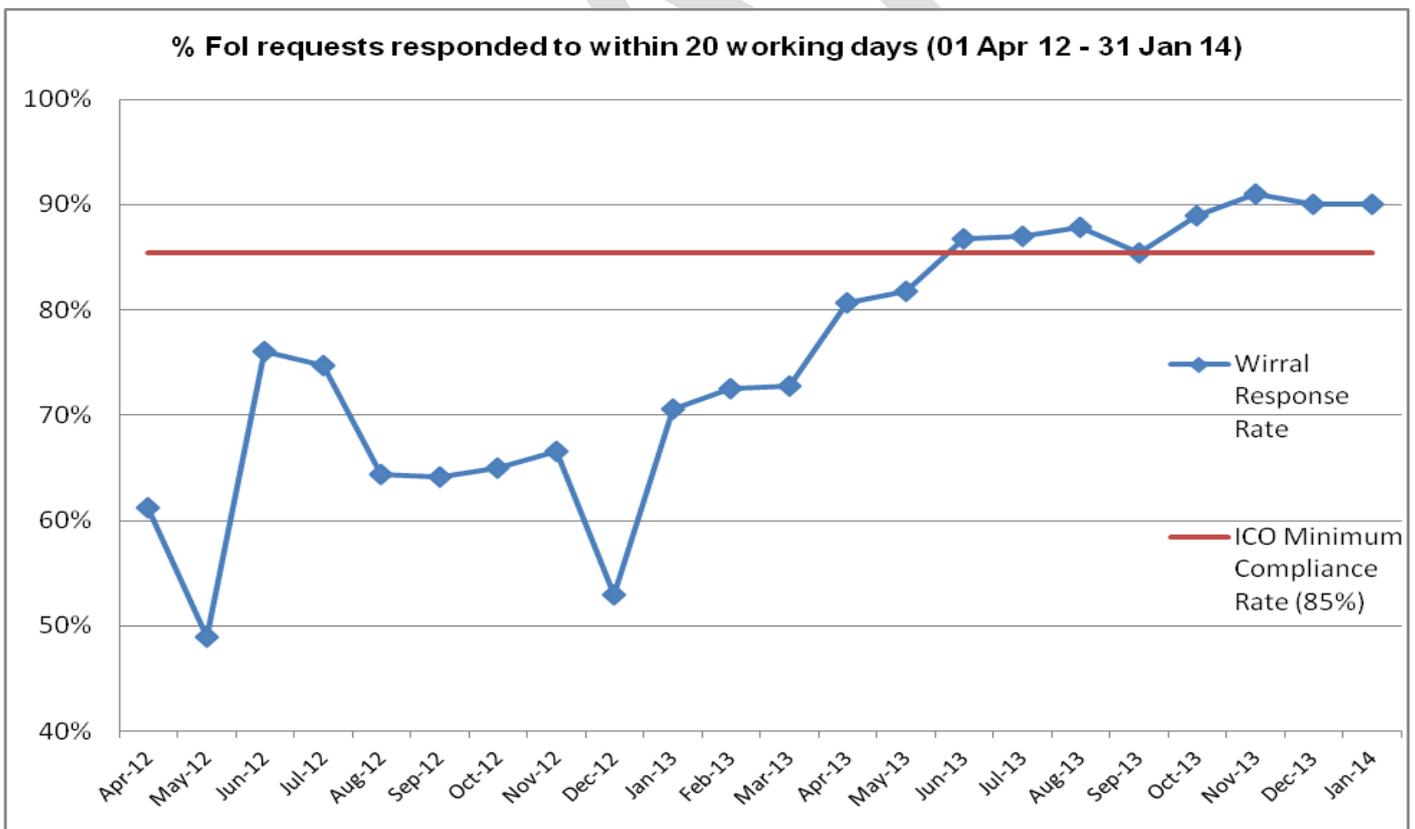
5. FINDINGS AND RECOMMENDATIONS

5.1 Information Commissioner's Office Monitoring Action

In December 2012, Wirral Borough Council was contacted by the Information Commissioner over the timelines of responding to Freedom of Information requests within 20 working days being consistently under the 85% required. The Council was subsequently monitored over a three month period from 1 January 2013 and it was found that despite improvements, the responses were still less than 75%. Wirral Borough Council was required to formally sign an 'Undertaking' which detailed specific actions that were to be complied with.

A further three month monitoring period was established from 1 July 2013 as one of the terms detailed in the Undertaking. This required Wirral Borough Council to provide the ICO with monthly updates on its performance as well as a list of all overdue Freedom of Information requests, commencing with requests made on 1 July 2013 and ending with those made on 30 September 2013. The Panel was informed that all actions detailed in the Undertaking had been implemented and that, as of 14 November 2013, the ICO was satisfied that performance had improved based on the details of outstanding requests / reviews through receipt of a confirmatory email from the ICO.

The graph below shows the level of performance by Wirral Borough Council on responding to Freedom of Information requests from April 2012 to January 2014. The ICO requires at least 85% of all Freedom of Information requests to be responded to within 20 working days.



Looking at the performance information in the graph, it is clear to see that Wirral Borough Council is now performing significantly better since both monitoring periods were introduced by the ICO (January 2013 – March 2013 and July 2013 September 2013). Members of the Panel were pleased that current performance had now reached 90% (as of January 2014) but the Panel conveyed that the Council must continue to identify and manage emerging

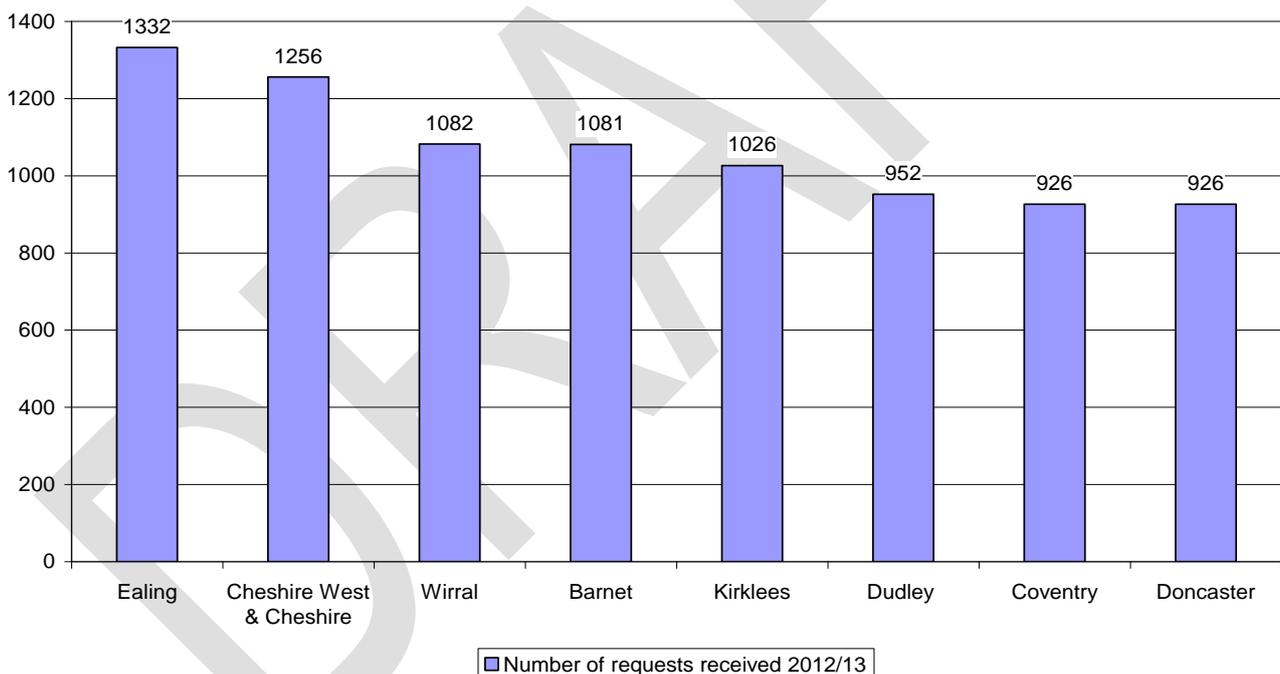
challenges efficiently and effectively to avoid further ICO monitoring action and to also ensure that the Council's desire for openness and transparency is continually realised. Some of these issues and challenges are detailed elsewhere within this report.

5.2 Handling Freedom of Information requests

The Panel was informed by officers that previously, responsibility for managing Freedom of Information requests lied predominantly with Legal and Member Services, despite information being held across the Council. There has now been 'buy in' from Council Directorates and resources deployed across the departments to ensure responses are provided as required. This has seen improvement in response rates, resulting in no further monitoring by the ICO. The Panel and officers acknowledged that risks to performance still existed around (i) key officers not being available through sickness, annual leave or other reasons, and (ii) the volume of requests received.

In terms of the volume of Freedom of Information requests made to Wirral Borough Council, a benchmarking exercise was carried out against a number of similar sized local authorities to see if there were any consistencies. The benchmarked local authorities were derived from the Local Government Boundary Commission for England, based on numbers of constituents. The results of the exercise are included below.

Freedom of Information requests received 2012/13



From the results of the exercise, The Panel was assured that in terms of volume received, Wirral Borough Council was not receiving significantly more or less requests than the comparable local authorities, with the average number of requests coming in as 1073. Wirral Borough Council received 1082 requests in the 2012/13 financial year which is around the average amount received for all eight local authorities benchmarked.

It was stated by officers that there is a 30% increase in requests received by the Council from last year, averaging out at about 5-6 requests per day. An increase in requests received would impact resources within the Freedom of Information Team and across the Council to respond efficiently and effectively in line with ICO requirements.

To put the cost of the Council dealing with Freedom of Information into context, an exercise was carried out for this purpose. A template was sent out to Council departments asking

them to provide details of staff in their structure who deal with Freedom of Information and what hours were spent on average per week dealing with them. Responses were received and the Council's Finance Section calculated actual costs against hours stated based on pay grade. These costs also included an additional 20% to include employers pension costs (12%) and Employers N.I. contributions (8%). A table showing the results of the exercise is shown below.

Service Area	Total hours per week dealing with Fol (Average)	Total Cost per week (Average)
Children and Young People	70	£1590
Department of Adult Social Services	20	£678
Finance	9	£217
Human Resource / Organisational Development	22	£703
Regeneration and Environment	22	£466
Neighbourhoods and Engagement	9	£252
Policy, Performance and Public Health	8	£210
Legal Section	166	£3335
TOTAL PER WEEK	326	£7451

The Panel acknowledged that the figures are indicative only, as the Department had to estimate the time spent dealing with FOI matters in the absence of specific time recording systems. For true costs to be calculated, a more analytical, scientific method would need to be applied.

Looking at the table, there is an indicative cost of £7,451.00 spent on average per week across the Council against 326 hours of officer time. The hours and respective costs for Legal Services also includes:

- The Information and Central Services Manager and the two Freedom of Information Officers;
- The additional time and resources expended by solicitors dealing with Internal Reviews; and
- Providing legal advice and guidance on FOI matters, particularly the more complex and sensitive matters.

The improved performance experienced by the Council shows that resources are being deployed (as required by the ICO) but these come at a cost as demonstrated by the exercise and this was acknowledged by the Panel as part of the review process. The reason for variance in costs against similar hours spent is due to different officers on different pay grades having involvement in the process.

The process of how Freedom of Information requests are coordinated was explained to the Panel. Currently, requests are coordinated centrally by the Freedom of Information Team (Consisting of the Information and Central Services Manager and two other officers). Requests received for information already known or published are responded to without any further assistance from departments. For all others, the respective service area is identified and the request is emailed to one of a number of nominated officers or to the officer that the Freedom of Information Team believes would hold that information. Departments are required to identify responsible officers and to then provide the information relating to the

request in the required timeline. Additionally, some Heads of Service would be copied into the initial email, but in general, there is no consistent approach to how departments action and respond to requests.

If a departmental officer is off for whatever reason, an 'Out of Office' notification would be received so the Freedom of Information Team can identify a solution. They are also given ten working days in which to provide a response, after which point a member of the Freedom of Information Team will intervene and chase up the department by telephone and will escalate it up the Director if necessary.

The Panel had concerns over the reliance of an 'Out of Office' notification being set up by departmental officers and felt that the ten working days was too long to wait before intervention took place for a response to the request. The Panel also commented that there seems to be significant reliance on the Freedom of Information Team to build up the knowledge of where information is held and establishing who the key contacts are for requests, causing a potential impact on efficiency within the team. Additionally, the Panel remarked that there was no existing requirement to record all actions taken in the processing of requests across the Council in the CRM software application to enable effective monitoring, although it is acknowledged that all responses/actions confirmed to the FOI team are recorded on the CRM system.

The Panel was interested in how departments dealt with disclosing information that could be deemed sensitive or damaging. Officers explained that if any exemptions to information being disclosed were to be applied, as defined by the Freedom of Information Act, these could be made by departments. Advice from either the Information and Central Services Manager or the Head of Legal and Democratic Services is available if required. The Council has a legal duty to disclose information and reputational damage does not enter into the equation. There is a quality assurance process by Legal and Member Services and, where appropriate, Press and Public Relations.

It was stated that this may simply be a training issue in reiterating to departments the importance of having the confidence to give the Freedom of Information Team the information to make a decision on what information can be released and what can't, what needs legal input and what needs press input. Officers remarked that departments are improving but there will always be some uncertainty given the complexity and sensitivity of some requests made.

The Panel was informed that not all requests have to go back to the Legal Section before disclosure, only those which required legal input or review by a solicitor or the Monitoring Officer. This gives departments confidence that the reply going out is not going to breach any other legislation. Despite more advice, support and resources being provided by Legal Section, the Panel believed that further training provided to departments may help in reducing the number of requests being forwarded to the Legal Section and reduce the potential for unnecessary delays.

All responses are released by the Freedom of Information Team to ensure the language and jargon is removed, apply any exemptions and to supplement the request with the appeals and complaints process as part of the template. The Panel agreed that this central control process was important to ensure consistency, integrity and clarity of responses released.

Department performance figures from 1 January to 2013 to December 2013 were requested as part of the review to identify how performance was split across all Council departments. These figures were extrapolated from CRM which still retains the previous Council structure's

departmental names. As Law, HR and Asset Management no longer exist, a separate table was provided that breaks down the main service areas.

Departmental Analysis of Responses Rates (2013)

Department	Fol Requests Received	Responded to Within 20 days	%
Children and Young People	234	220	94
Department of Adult Social Services	101	49	48
Finance	305	279	91
Law, HR and Asset Management	391	296	76
Regeneration, Housing and Planning	114	98	86
Technical Services	175	163	93

Law, HR and Asset Management Response Rates (2013)

Area	Fol Requests Received	Responded to Within 20 days	%
Asset Management	32	27	84
Community Safety	21	20	95
Environmental Health	34	33	97
Human Resources	153	93	61
Legal	103	75	73
Licensing	26	26	100

From a review of the figures, actual performance across departments is varied. The Panel commented on the consistently excellent performance by the Children & Young People Department (CYPD) considering the volume of requests received. It was explained that CYPD has dedicated staff with good training to deal with Freedom of Information and complaints, have built up knowledge to expedite responses and are getting used to enquiries.

The Panel endorsed the approach taken by CYPD and believed that having FOI Champions across Council directorates / departments would benefit the Council going forward in managing Freedom of Information matters. Officers did confirm that this was initially discussed as part of the structure moving forward when the Freedom of Information Act was introduced but was never followed through.

The panel discussed the potential benefits of FOI Champions, namely, a single point of contact to whom all requests could be sent; knowledge of information relating to directorates / departments providing greater efficiency; to provide greater consistency across the Council and the potential to be more cost effective. For strong FOI Champions, the Panel iterated that if they were to be introduced, adequate support and training would be required to enable the role to be fully realised. Officers stated that Departmental Complaints Coordinators are in place across the Council and that these roles could be ideal to embed the roles of FOI Champions. Furthermore, the Panel was aware that the use of FOI Champions has been adopted in other local authorities and has been seen as effective in the drive to meet legislation and make best use of resources.

Recommendation 1:

Council Directorates should appoint and develop Freedom of Information Champions and Deputies to cover all Council services and to act as a single point of contact between those services and the Freedom of Information Team. The implementation of Champions should be driven by Legal and Member Services, including the provision of the appropriate training and support for the role to be fulfilled effectively and consistently across the Council. Council Directorates should, however, determine which officers should carry out these roles based on staffing resources, number of requests received and of services provided. It is expected that this recommendation should be fully implemented by December.

Recommendation 2:

If departmental Champions are to be introduced, they should be provided with appropriate access to CRM. It should then be ensured that all departmental actions / processes are fully recorded within CRM, included acknowledging the receipt of the request within 2 working days to allow the Freedom of Information Team to monitor all requests received effectively.

5.3 Application of Customer Relationship Management for Freedom of Information

Officers stated that approximately 90% of requests arrive by email through to an email address specifically designated for the purpose of processing them and to provide the required response. Email requests are also generated from the "What Do They Know" website, a site established to assist the public in accessing information from public bodies. All requests are manually input into the Customer Relationship Management software application, used to record all customer contacts across the Council. The Council's website also has a web based form for requests and these automatically populate CRM when they are submitted. The use of the web based form system is promoted over all others as it is more efficient for the Council to process. The Panel believed that there maybe an improvement for efficiency if all requests from the What Do They Know Website, which makes up 35% of total Freedom of Information requests, could automatically populate the CRM application as this is a typically standard feature for a support desk system.

Recommendation 3:

Legal and Member Services should investigate whether there is an existing technical solution for the CRM to be automatically populated with all requests made via the What Do They Know website and by email. If a technical solution is identified, this should be fully tested to ensure all requests are captured before being implemented.

The Panel discussed the functionality of the CRM moving forward and whether it meets the needs of managing Freedom of Information processes. Specific case management systems generally provide a simplified process for managing information requests. Benefits of a case management system include capturing incoming requests from emails and web forms, redaction tools and managing fees, exemptions and appeals. Officers stated CRM doesn't meet the ideal requirements for managing Freedom of Information but there is scope for looking at getting a case management system for obtaining better efficiencies if there are staffing resource issues. It was highlighted that Liverpool City Council has a case management system in place and is effective, but there is a larger Freedom of Information Team in place.

Recommendation 4:

Legal and Member Services should determine the desired functionality of the IT software / workflow management system for the Council moving forward in managing Freedom of Information. If the existing CRM system is deemed not fit for purpose or too costly to configure, the feasibility of procuring a new case management system should be investigated. If the Council intends to acquire a new case management system, it should be ensured that a business case, supported by a cost-benefit analysis, is developed accordingly.

5.3 Performance Management

The Panel identified performance management as a core component of effective governance over complying with Freedom of Information requirements. Officers explained that on a weekly basis, the Chief Executives Strategy Group (CESG) receives a report covering the number of requests received and statistics on requests outstanding, specifically highlighting those which are close to and have exceeded the 20 working days. Reports come with a brief narrative to allow concerns to be flagged up quickly. These reports are broken down into the respective directorates so each Strategic Director can review and monitor their own area.

The Panel believed that these reports only allow monitoring at an operational level, where specific requests for information can be reviewed and targeted. The panel proposed that performance figures should be included as part of the CESG reports, with these broken down not only at the directorate level, but departmentally to identify departments that are not meeting the target required. This would then allow targeted strategic intervention to identify any issues contributing to the under achievement of the target.

The Panel commented that at Committee level, it would be beneficial for Members of the Transformation and Resources Policy & Performance Committee to have better performance information as part of the Performance Management Framework. Currently, a corporate performance figure is provided to this committee and, as of recently, the performance figure of those directorates that have exceeded the 85% compliance has also been included under the comments area of the Performance Report. For more effective scrutiny, the Panel considered that it would be useful to be provided with performance information on directorates / departments that did not meet an appropriate tolerance threshold.

Recommendation 5:

In order to enhance performance management of compliance against Freedom of Information legislation, Legal and Member Services should:

- iii) Ensure that the percentage of Freedom of Information requests responded to within 20 working days is reported to the Chief Executive's Strategy Group as part of the monitoring reports submitted, with the performance figure broken down at Council directorate and departmental level; and**
- iv) Liaise with the Performance & Business Intelligence Team to develop a solution for providing exception reporting on directorate and departmental performance where an appropriate threshold tolerance has not been met. This recommendation should be implemented in line with the commencement of the new municipal year.**

5.4 The publication scheme and information management

The Panel was aware that all public authorities are required to have a Publication Scheme, approved by the ICO and to publish information in accordance with the Scheme as part of Freedom of Information legislation. The Scheme has to set out the commitment to make certain classes of information routinely available, including policies, procedures, minutes of meetings, annual reports and financial information.

Officers informed the Panel that Wirral's Publication Scheme is based on the model provided by the ICO and that it was re-launched 12 months ago in collaboration with Corporate Marketing. The categories of the Publication Scheme were reviewed and the local authors for each information asset are responsible for updating it as appropriate.

The Panel looked at the Publication Scheme as a method of potentially reducing the number of Freedom of Information requests being made. The review identified that there wasn't any formal process in place to identify any emerging trends or themes from requests received, which if carried out, could facilitate in updating and improving the Council's Publication Scheme and potentially reduce the number of requests being made. Additionally, the Panel was aware that a number of public bodies publish a summary of commonly asked requests on their website, not only to reduce the number of requests, but also to promote greater transparency. The Panel was keen for this to be introduced by Wirral Borough Council moving forward.

The ICO also encourages public bodies to publish performance information on a regular basis and this is taken up by a number of Councils across the country. The Panel is keen for Wirral Borough Council to adopt this practice and demonstrate the intent to be accountable for its performance and to act on the Council's desire to be more transparent.

Recommendation 6:

Legal and Member Services should implement a process for identifying emerging trends and themes of all Freedom of Information requests received by the Council and to then ensure that the Council's Publication Scheme is appropriately updated with the relevant information.

Recommendation 7:

Legal and Member Services should engage with the Corporate Marketing Team to implement a strategy on using the Council's internet website in order to:

- i) Publish the Council's performance on managing Freedom of Information requests on a periodic basis, including all relevant statistics such as volume of requests received; and**
- ii) Categorise and publish commonly asked Freedom of Information requests received with their respective responses.**

As part of the review, the Panel requested a number of recently made Freedom of Information requests where the information was already made available on the Council website to form a view of the search system for locating specific information. The Panel concluded that they found it difficult to locate the information that was requested from the majority of the Freedom of Information requests sampled using the search tool. Multiple pages had to be accessed and there was no real clarity on which Council department or section a specific piece of information would sit with. Although it was considered that the operation of the search functionality on the Council's website may sit outside the scope of

Freedom of Information, the Panel conveyed that this is something that could be considered as part of the Council's ongoing development of the Council's website.

Recommendation 8:

Legal and Member Services is requested to note the views of the Panel on the search functionality of the Council's website, when using detailed search criteria. These views should be forwarded to the Corporate Marketing Team to ensure that they can be considered as part of the Council's ongoing development of the Council's website.

6. CONCLUSION

The Panel applauds the Council's improving Freedom of Information performance but believes that it is important to ensure this is maintained moving forward. The Panel also believes that by implementing these proposed recommendations, it will assist the Council on performance gains going forward.

As part of the scrutiny process, it is intended that the recommendations made in this report will be followed up in the new municipal year.

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7. MEMBERS OF THE REVIEW PANEL

Chair's Statement:

As we began this Review, Wirral Borough Council had already taken steps to improve FOI response times. Following enforced monitoring action by the Information Commissioner, the Council had responded and response times are now significantly over 85%, for which the Council can be commended.

It is, however, important to keep striving for improvement towards being an even more open and transparent council, and to recognise that the Council is now in a good starting position to move forward.

This Scrutiny Panel has investigated the current issues faced by the Council, regarding FOI requests, and I would like to thank the officers involved for their engagement in this process.

The recommendations that have come out of this investigation aim to help to improve the Council's FOI performance, through improving availability of information to the public, from the outset. Secondly, progress is sought through a more robust and consistent process, involving designated FOI champions across the Council, with better training and clear accountability. Finally, by investing in better monitoring both throughout the individual requests and more corporately, we can always be looking for further development.

Panel Membership

Councillor Adam Sykes (Chair)



Councillor Christina Muspratt



Councillor Stuart Whittingham



***This Report was produced by the Freedom of Information Scrutiny Review Panel
(which reports to the Transformation and Resources Policy & Performance Committee)***

Review Title: Freedom of Information

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<p>Other Key Officer contacts: None identified at this stage</p>
<p>2. What are the main issues?</p> <ul style="list-style-type: none">• Concerns were raised about the Council's overall performance in meeting the requirements of the Information Commissioner's Office to respond to Freedom of Information requests. This is in light of recent monitoring action taken by the Information Commissioner until recently. There is a risk that Council may not move to where it wants to be.• Concerns were raised on the strategic approach to managing information and making information readily available as part of the Council's Publication Scheme. There is a risk that Freedom of Information requests may be unnecessarily made due to lack of transparency and governance in making appropriate information available.• There are risks that the procedures and processes in place to manage Freedom of Information requests may be ineffective and inefficient in line with existing and future strategies.
<p>3. The Committee's overall aim/objective in doing this work is:</p> <p>For the panel to receive assurances that the Council is moving in the right direction in managing Freedom off Information.</p>
<p>4. The possible outputs/outcomes are:</p> <ol style="list-style-type: none">1. That the Council achieves and sustains a desired level of performance.2. That the number of requests made for information is reduced to make better use of resources.3. That the Council will be subject to less external criticism and therefore improving it's overall reputation.

<p>5. What specific value can scrutiny add to this topic? Scrutiny can provide assurance to the Council that it is operating adequately and moving in the direction it wants to achieve.</p>	
<p>6. Who will the Committee be trying to influence as part of its work? Council officers responsible for information management.</p>	
<p>7. Duration of enquiry? This is considered to be a short review, based on a small number of meetings with key officers to review evidence presented.</p>	
<p>8. What category does the review fall into? Performance</p>	
<p>9. Extra resources needed? Would the investigation benefit from the co-operation of an expert witness? None identified at this stage.</p>	
<p>10. What information do we need?</p>	
<p>10.1 Secondary information (background information, existing reports, legislation, central government documents, etc).</p> <ul style="list-style-type: none"> Freedom of Information legislation. Documented procedural documentation and relevant process maps to understand and appraise the system. Best practice documents issued by the Information Commissioner or other public bodies. 	<p>10.2 Primary/new evidence/information</p> <ul style="list-style-type: none"> Performance benchmarking data against other similar sized Local Authorities A report of all Freedom of Information requests made in the last twelve months where information to respond to these requests was publicly available at the time. A report illustrating how time is spent and resources are deployed in managing Freedom of Information requests across the Council.
<p>10.3 Who can provide us with further relevant evidence? (Cabinet portfolio holder, officer, service user, general public, expert witness, etc). council officers to include:</p> <p>Not applicable at this stage.</p>	<p>10.4 What specific areas do we want them to cover when they give evidence?</p> <p>Not applicable at this stage.</p>
<p>11. What processes can we use to feed into the review? (site visits/observations, face-to-face questioning, telephone survey, written questionnaire, etc).</p> <ol style="list-style-type: none"> Face-to-face questioning Sampling a number of Freedom of Information requests made for the transparency of information that is made publicly available. Comparison of procedures and processes employed against best practice 	
<p>12. In what ways can we involve the public and at what stages? (consider whole range of consultative mechanisms, local committees and local ward mechanisms).</p> <p>Not applicable for the subject.</p>	