

# Data, transparency and openness



Policy Briefing 11

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Transparency is central to the Government's approach to accountability in the public sector. The Department for Communities and Local Government is at the centre of a national drive towards putting more data in the public domain. They argue that this will both allow an "army of armchair auditors" to investigate how money is being spent and open up more services to competition and hence drive down costs, as private companies can see how much is spent on services currently.

The Government is also preparing to introduce into Parliament measures to expand the remit of the existing Freedom of Information regime.

Through both of these measures, Government hopes that an incremental process will see more and more information being put into the public realm, and the public (and software developers) being able to aggregate and make sense of and use this data.

Increased transparency is seen not only as driving enhanced accountability, but as a way for local people, groups and communities to challenge authorities to let them run services themselves (see policy briefing 9 on the Big Society).

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## 1. Background

- 1.1 Governments have grappled with the concept of openness for many years. Until comparatively recently<sup>1</sup> the reporting of business transacted in

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<sup>1</sup> The reporting of Parliamentary debates was only permitted (and even then, only tacitly) in 1771.

the House of Commons was prohibited – more recently still, (until the Public Bodies (Access to Meetings) Act 1960, a Private Members Bill championed by Margaret Thatcher) it was routine practice for the public to be excluded from council meetings.

- 1.2 Things began to change in the late 1970s and early 1980s with the renewed focus on value for money, but it was not until 2000 that the public's "right to know" was put on a statutory footing in the Freedom of Information Act (strengthening the more informal "Ministerial Code on Open Government" published in 1994). Even then, it took until 2005 for the Act to come into force.
- 1.3 The process by which the Freedom of Information Act became law is instructive in understanding prevalent cultural attitudes towards openness in this country by decision-makers. The White Paper on FOI, published in 1998<sup>2</sup>, would – had its provisions made their way into the Bill – have heralded one of the most expansive freedom of information regimes in the world. As it was, the Bill was a watered down version<sup>3</sup>, imposing restrictions on what information could be asked for, and which organisations would be subject to the new rules<sup>4</sup>.
- 1.4 Even so, many thought that the principles in the FOIA went too far – that "good government" was harmed by the introduction of excessive amounts of sunlight. The then-Prime Minister, Tony Blair, has since described the passage of the Act as his greatest regret<sup>5</sup>.
- 1.5 Prior to the Act coming into force, the Office of the Information Commissioner published large amounts of guidance as to how public bodies should interpret the Act<sup>6</sup>. The focus was on developing a culturally-positive attitude towards freedom of information, which recognises the value in providing the public with relevant data about the business of public bodies. The guidance specifically warned against taking a "compliance-based" approach, saying that by simply attempting to "conform" with the legislation, public bodies would frustrate the intention of the Act and risk alienating their stakeholders<sup>7</sup>.

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<sup>2</sup> A commentary, drafted by UCL's Constitution Unit, can be found at <http://www.ucl.ac.uk/spp/publications/unit-publications/19.pdf>

<sup>3</sup> See Birkinshaw P, "Freedom of Information: The Law, The Practice and The Ideal" (3<sup>rd</sup> edn, Butterworths, 2005)

<sup>4</sup> Public bodies are listed in Part 1 of the Act, but some other organisations are included. Other organisations, such as the Local Government Association, are partially covered in relation to some of the publicly-funded work they carry out on behalf of Government and of local authorities ([http://www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information/application.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information/application.aspx))

<sup>5</sup> In "The Journey" (2011)

<sup>6</sup> A selection can be found at [http://www.ico.gov.uk/for\\_organisations/sector\\_guides/local\\_authority.aspx](http://www.ico.gov.uk/for_organisations/sector_guides/local_authority.aspx)

<sup>7</sup> A summary of this approach can be found in this ICO press release: [http://www.ico.gov.uk/~media/documents/pressreleases/2009/FOI\\_LIVE\\_PR\\_110609.ashx](http://www.ico.gov.uk/~media/documents/pressreleases/2009/FOI_LIVE_PR_110609.ashx)

- 1.6 A large number of public bodies opted to adopt just such a compliance-based approach<sup>8</sup>. They wrote publication schemes and produced protocols for defining how FOI requests would be dealt with, but only because they were required to. Over time, there was more of a recognition that freedom of information was a “good thing”, but there has been a tendency for surveys to reveal the feeling in many public authorities that it is still onerous in terms of resources<sup>9</sup>.
- 1.7 Since the 2010 General Election, the Coalition Government has taken concerted action to reopen the debate on transparency, openness and accountability. They see two main steps as crucial in opening up the books to the public. The first of these is the expansion of the freedom of information regime. The second is the move towards publication of more data, statistics and evidence as a matter of “standard operating procedure” – what the ICO had hoped would happen when its guidance on FOIA was published in 2004. Principal in this approach has been the direction from the Secretary of State for Communities and Local Government, Eric Pickles, that all expenditure by local authorities above £500 should be published, ideally on a monthly basis<sup>10</sup>.

## 2. **The Government’s approach to data transparency**

- 2.1 The Government is of the view that, by publishing more data in the public domain, it can “short circuit” the need for professional monitors, assessors and inspectors in the public sector, relying instead on an “army of armchair auditors” who will be able to analyse such data themselves. There are a number of key outcomes that Government considers will arise from these moves: more efficiency, more hard working council officers/councillors working for empowered taxpayers, and by so doing enhancing trust. Of these aims the first is probably perceived as the most important.
- 2.2 The Government has encouraged software developers to put together open source tools for “mashing” public data, and making it more usable to the public and non-experts. The focus of this is on assuring value for money in two areas – firstly, in terms of general spending, and secondly in the more specific area of public procurement.

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<sup>8</sup> Demonstrated by the large number of appeals to the ICO between 2005 and 2010 on basic compliance issues.

<sup>9</sup> “Freedom of Information: Three Years On” (ICO, 2008), particularly 3.2 onwards

<sup>10</sup> Department for Communities and Local Government, “Draft Code of Recommended Practice on Data Transparency” (February 2011). The consultation on the draft code ended on 14 March 2011.

2.3 To this end the Government has recently consulted as a Code of recommended practice for local authorities publishing information. This Code is statutory guidance under the Local Government Act 1980. It sets out minimum standards but is explicit in suggesting that these should be a starting point. These include the requirement – as a minimum - to publish:

- all council expenditure above £500;
- the details of money given to the voluntary sector under contract;
- the details of council officers' salaries above a certain level (the current figure is mooted at around £58,000);
- details of councillors' allowances (which are already published annually);
- details of council contracts (which are in many instances required to be put on public deposit in any case);
- organograms of council departments and services;
- various indicators (not specified) relating to the financial running of the authority;
- information on the decision-making structures and arrangements (which will be covered for the most part by the Local Government Act 1972, but which could be construed as including "informal" decision-making bodies which are not formal committees for the purpose of that Act).

2.4 The Code suggests a one-to-five-star system which can be used to evaluate the extent of an authority's openness. The ideal appears to be the provision of data in machine-readable, comma-separated format, with HTML links (and uniform resource identifiers, or URIs<sup>11</sup>) embedded into it that allow people to interrogate the data in more detail. This is clearly an approach led by technology, with technology seen as the key means to ensure enhanced accountability.

Ministers are confident of the success of this approach. Francis Maude has said that

"Transparency is key to our efficiency drive, and will enable the public to help us to deliver better value for money in public spending."

2.5 Eric Pickles has said,

"Shining a light on spending will help to put savings before cuts. Whilst councils have already delivered significant efficiencies there is still more excess waste to cut back". In his view, "a renewed and

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<sup>11</sup> Uniform Resource Identifiers, which can be used to make data more easily comparable between different organisations

concerted focus on better procurement, greater transparency and shared services that puts the emphasis on productivity above processes will end duplication, wasteful spending and wasteful working."

2.6 There have already been a number of examples of public expenditure data being used to "hold councils to account". It has been used to challenge expenditure on floral displays and water coolers at Blackburn with Darwen Council<sup>12</sup> and money spent on consultants in Lincolnshire<sup>13</sup>.

2.7 However, on some occasions the general shortcomings of this approach to transparency – that it only tells part of the story – have been made more apparent. In May 2011, Grant Shapps MP highlighted examples from Nottingham City Council – gathered through an FOI request, as NCC is the only authority in the country not to publish this expenditure data – of the council spending money on wine, air fares and visits to theme parks<sup>14</sup> on corporate credit cards. Mr. Shapps said,

"It's essential that this casual disregard for the public purse never happens again. 'In the interests of transparency, all backdated expenditure on the Government's procurement cards should be made available online."

2.8 It transpired that the wine had been bought for resale in council cafes, the air fares had been entirely reimbursed by a private contractor and the theme park tickets had been bought for "deprived children"<sup>15</sup>.

2.9 A number of councils have made criticisms of the Government's approach, based on the resource implications of publishing this data. Criticisms include:

- It "will create work to comply with and will add no value at all".
- It "will increase paperwork and process",
- It "will require a disproportionate increase in resource".
- "The requirement to publish items spend over £500 will result in significant amounts of staff time being wasted on dealing with frivolous, vexatious and idiosyncratic inquiries"<sup>16</sup>.

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<sup>12</sup> The challenge having been made by the local MP.

[http://www.lancashiretelegraph.co.uk/news/8888869.Darwen\\_MP\\_criticises\\_council\\_spending/](http://www.lancashiretelegraph.co.uk/news/8888869.Darwen_MP_criticises_council_spending/)

<sup>13</sup> <http://www.thisislincolnshire.co.uk/PR-guru-paid-exorbitant-163-1-000-day-council/story-11194064-detail/story.html>

<sup>14</sup> <http://www.localgov.co.uk/index.cfm?method=news.detail&id=99040>

<sup>15</sup> <http://www.localgov.co.uk/index.cfm?method=news.detail&id=99075>

<sup>16</sup> All reflecting comments received in response to the Government consultation

2.10 The Government’s “headline” approach to spending figures also does not address the cultural issues we raised earlier, and there is the risk that external stimulus alone (either from the Government, or from local people) will not automatically lead to a sudden change in approach to the way that money is spent (certainly, the quotations above indicate that this is the case). There is a risk that local people will be presented by a morass of data being produced by authorities seeking to “comply” (but no more) with the requirements set out by DCLG<sup>17</sup>. In section 4 we explore possible ways in which local authorities may be able to think more creatively about the way in which they release information, going beyond the “£500 expenditure” requirements.

2.11 Other potential barriers include:

- The lack of context given by the information provided (despite the presence of URIs in some instances);
- Consequently, the lack of information to enable people to make an informed judgment on value for money;
- The interest levels of local people in interrogating this information across the spectrum of local public services;
- Whether the information will actually provide an accurate picture of spend that can be compared with other authorities or other public agencies.

2.12 Some attempts have been made to use the expenditure data to allow for comparisons between authorities, and meaningful analysis based on a wider understanding of local government and its work. The website “Openly Local” provides an example of a developer-led solution to some of these problems.

2.13 Even with online tools, the limitations in the approach taken by the Government (and in local government’s response to this stimulus) suggest that more formal and traditional methods of “holding to account” may become more, not less, important in taking a more rounded view of service delivery and the way that different services intersect.

### 3. **The Government’s approach to FOI**

#### 3.1 The current regime

The FOI regime has been in place in Britain since 2005. Under the existing Freedom of Information Act, public authorities (defined in the Act in quite a restrictive way, compared to freedom of information regimes in

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<sup>17</sup> This was a risk raised by CfPS in our response to the Government’s consultation on the draft Code.

other jurisdictions) are required to produce a publication scheme, setting out key documents published by the authority as a matter of course.

- 3.2 Public authorities are also required to respond to requests for information, which can come from any person or organisation. The authority receiving the request must respond within 28 days – either to provide the information required or to ask the person involved for more information to allow a response to be formulated. Public authorities cannot ask why the requester has asked for the information (in the sense that the end use of the information will have a bearing on the decision whether to release it – many authorities ask this question informally to help them better to answer requesters’ queries).
- 3.3 There are a number of exemptions, under which information can be withheld<sup>18</sup>. These include exemptions for the release of personal information, which is dealt with under the Data Protection Act 1998. The exemptions are reflected in Schedule 12A of the Local Government Act 1972, which was changed in 2005 to take account of the FOIA. It can be expected that, following the amendment of the FOIA and a possible reduction in the number and scope of exemptions, Schedule 12A will need to be changed accordingly.
- 3.4 Information can also be withheld if a request is considered to be vexatious. The Act itself does not define this word but guidance and practice has lent it quite a limited meaning<sup>19</sup>. Another exemption is when the authority can decide that answering the request would give rise to a disproportionate cost.
- 3.6 Guidance<sup>20</sup> strongly suggests that, once information has been made available to a requester, it should be placed on the organisation’s publication scheme. As such, the publication scheme should be a living document, under which, gradually, more and more information should be made freely available without the need for a formal request.
- 3.7 The Information Commissioner has a formal role in oversight for the FOI regime (as he does for the data protection regime). The ICO can adjudicate on specific complaints from information requesters when an FOI request is not dealt with to their satisfaction. . He can also investigate

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[http://www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information/information\\_request/reasons\\_to\\_refuse.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information/information_request/reasons_to_refuse.aspx)

<sup>19</sup> “Vexatious requests: a short guide” (ICO, 2008)

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/practical\\_application/vexatious\\_requests\\_a\\_short\\_guide.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/vexatious_requests_a_short_guide.pdf)

<sup>20</sup> The ICO produced a “model publication scheme” which can be found at

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/detailed\\_specialist\\_guides/generic\\_scheme\\_v1.0.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/generic_scheme_v1.0.pdf)

and comment on wider issues relating to a public authority's general approach to dealing with requests for information.

### 3.8 Shortcomings in current practice

The ICO has frequently had cause to criticise a range of public bodies for failing to adhere both to the spirit and specific requirements of the Act<sup>21</sup>. In many instances these have been criticisms over process – a failure to adequately deal with requests within 28 days. Authorities have thus sought to ensure that they conform to these procedural requirements – arguably, embedding the idea of “compliance” with the legislation rather than thinking about the wider cultural norms that FOIA aimed to challenge.

3.9 Criticisms have also been made of the ICO itself, and its speed in dealing with complaints. An analysis by the Campaign for Freedom of Information in 2009 found that, of nearly 500 decision notices issued by the ICO up to March 2009, the average length of time from the initial complaint to the decision was 19.7 months<sup>22</sup>.

### 3.10 Plans for the future

In 2009, the Government introduced proposals to expand the FOI regime, which were not followed up. Before the 2010 General Election, the Conservative Party expressed an intention to expand the FOI regime, as part of their wider proposals around transparency and civil liberties.

3.12 This policy agenda will be fulfilled, in part, by increasing the number of organisations to which FOI requests can be made. The Government plans to bring the Association of Chief Police Officers, the Financial Ombudsman Service, the University and Colleges Admissions Service as well as hundreds of other arms length bodies within the Act's scope. It will do this by way of a “Section 5 order”, which allows it to add to the list of bodies specifically names in the legislation as being subject to the terms of the Act, rather than by specifically changing the definition of “public body”.

3.13 The Government will also consult a range of further bodies with a view to their inclusion in the Act by a further Section 5 order later this year. This includes bodies as diverse as examination boards, harbour authorities, the Local Government Association and the NHS Confederation. The government will also amend Section 6 of the FOI Act in the Freedom Bill to attempt to end the anomaly relating to partnership working, by which partnership bodies or jointly-owned organisations are not subject to the

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<sup>21</sup> See

[http://www.ico.gov.uk/what\\_we\\_cover/promoting\\_openness/taking\\_action.aspx#undertakings](http://www.ico.gov.uk/what_we_cover/promoting_openness/taking_action.aspx#undertakings)

<sup>22</sup> “Delays in Investigating Freedom of Information Complaints” (CFOI, July 2009), online at <http://www.cfoi.org.uk/pdf/foidelaysreport.pdf>

Act.<sup>23</sup> While this will cover “formal” partnership bodies that have a legal personality, it is unclear at this stage whether Local Strategic Partnerships and other informal arrangements will be covered.

- 3.14 The government has also promised to introduce measures to enhance the independence of the Information Commissioner's Office, the body responsible for regulating the FOI and Data Protection Acts. There will be particular provisions for the Commissioner to set charges for certain services independently, and to issue statutory guidance without the sign off of the Secretary of State. The government has also promised to carry out a full review of the Freedom of Information Act “to ensure it is still operating in the most effective way.”<sup>24</sup>

#### 4. **Being more innovative about the use of data**

- 4.1 Transparency is only the first step. Once laws have been changed and the expectations of local people are growing, there is a presumption on all those delivering public services (and in particular local government) to start thinking more creatively about how data is both gathered, and then used to make policy decisions in an open manner.

#### 4.2 **Moving from GIS and spreadsheets towards a more nuanced attitude to mapping and using information**

Local government has for some years been using GIS (Geographical Information Systems) to identify and resolve local issues<sup>25</sup>, and to analyse demography. In parallel, financial and other data has been recorded in Excel spreadsheet format. Taken as a whole, or in parts, this data is not especially rich<sup>26</sup>, as it is by its nature limited in scope and often relies on the use of proprietary (software) systems that councils have not designed to suit their own purposes, rather than the needs of the local community.

- 4.3 The pressure to publish more information could, and should, lead councils to think more coherently about how the various sources of information they produce can be linked up, rather than seeking to mount specific elements of this information on inflexible systems like GIS, or through the continued provision of data in PDF or Excel format (in a number of separate and unconnected files) that makes it difficult to manipulate. This would provide local people (and local councillors) with data that, because

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<sup>23</sup> <http://right2info.org/uk-government-plans-to-extend-scope-of-foi>

<sup>24</sup> <http://www.freedominfo.org/2011/01/uk-government-proposes-to-broaden-foi-law/>

<sup>25</sup> <http://www.ordnancesurvey.co.uk/oswebsite/public-sector/local-government/index.html>

<sup>26</sup> Some of the more technical shortcomings are listed at <http://www.cise.ufl.edu/~mssz/GIS/GIS-Basics.html>. More general shortcomings relate to the difficulty to link GIS data to wider sources of information because of general problems with software interoperability.

it is richer in terms of content and relevance, allows people to draw more accurate conclusions from it about the way that services are delivered<sup>27</sup>.

- 4.4 Linking up data in this way – and, by so doing, developing a more linked-up understanding about how services are delivered – is at the core of improving those services. For data to be usable in this way it needs to be provided in an open, non-proprietary format, to allow those outside the council to apply their own analysis to it.
- 4.5 As we have seen in earlier sections, this opening out of data has been the subject of criticism in the past. There have been concerns that people will lack the understanding to evaluate data correctly. However, there are strong arguments suggesting that opening up data more widely can assist in directing improvement, as well as challenging the provision of services, in an intelligent and proportionate way:
- While the use of data may encourage some people to focus on “bottom line” spending figures, this will at least enable a dialogue to begin in the local community about council budgeting and what the council can and cannot do. It could be used as the impetus behind moves towards more participatory budgeting;
  - It could help to identify more efficiency in procurement and/or contractual arrangements<sup>28</sup>;
  - It will aid council staff (and local people) to think about comparability with other authorities, particularly in the context of the requirements of the Single Data List<sup>29</sup>;
- 4.6 Initiatives like those undertaken by the London Data Panel, to crowdsource the collation and analysis of data, and work undertaken by bodies such as Openly Local and mySociety, demonstrate how data can be used as a powerful tool both to improve services and to enhance local democracy, in a way that goes beyond the limited idea of “armchair auditors” poring through spending data. In this context, when we talk about data we are talking about any and all information that a public body possesses, not just statistics and performance/finance information. As decision-makers adopt this more expansive understanding of data – what it is and how it can be used – scrutiny can also begin to find a niche for itself in using information to challenge them to improve.

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<sup>27</sup> There are links here with the principles behind Total Place, and the need for operational staff to link up their activities. A fundamental part of joint working is the sharing of information.

<sup>28</sup> As has been suggested by the use of more transparency in spending allowing the effective use of the “community right to challenge” in the Localism Bill (see Policy Briefing 8).

<sup>29</sup> More detail on the single data list can be found at <http://www.communities.gov.uk/localgovernment/decentralisation/tacklingburdens/singledatalist/>

4.7 In the next section we will explore how developing an internally consistent attitude about data and information – one that assumes that it will be open and shared with others – is key to using it to improve. This is a cultural change with which scrutiny can assist.

## 5. Scrutiny's involvement

### 5.1 A possible future role

The transparency agenda as it currently stands is about “people power” – giving citizens the tools to challenge decision-makers directly on matters that concern them. It could be argued that, with an informed populace able to access large amounts of public data and hold decision-makers to account themselves, the role of “formal” non-executives is diminished. Certainly, in all the discussions about transparency, it is notable that more formal, traditional means for accountability have either been absent (backbench councillors, the boards and accountability structures of other public institutions) or actively criticised (auditors, inspectors and regulators<sup>30</sup>).

5.2 However, it is difficult to see how local people will be able to hold councils and their partners to account directly on the basis of freely-accessible data. We have already dealt with some of the specific concerns relating to presentation of the data itself (in 2.4 and 2.5) but other organisational issues include:

- The lack of measures to allow local people to directly influence policy-making in many authorities, and the lack of any specific mechanisms to enable the public to get action taken on a concern that they may have arising from an item of data that has been published;
- The tendency for public consultation, when it occurs, to be channeled along the issues that the council wishes to discuss and resolve, rather than things that are necessarily important to local people;
- The poor links in many authorities between ward-level concerns (as they may be expressed in area forums, in Safer Neighbourhood Team meetings or in councillors' ward surgeries) and high-level strategic discussion amongst senior managers<sup>31</sup>;
- The fact that council systems to give voice to public concern – through public question times, petitions and deputations – can be arcane, confusing and intimidating for many people;

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<sup>30</sup> As has been demonstrated through the abolition of the Audit Commission and the scaling back of other forms of audit and inspection.

<sup>31</sup> This is an issue which was addressed by the focus of the Total Place pilots on “customer insight” – see “Insight: understanding your citizens, customers and communities” (LGA, 2008)

- With an increase in commissioning and innovative service delivery arrangements involving multiple partners, more decisions may be made at partnership level (where FOI status is uncertain<sup>32</sup>) and it may also be unclear to local people exactly who holds local data, and in what form;
- Arguably, the removal of the formal “duty to involve” (although it is possible to make too much of this)<sup>33</sup>.

5.3 If we come to the conclusion that transparency alone will not automatically beget accountability, it follows that councils (and other public service organisations) will need to change their culture, and their systems, not only to help local people access them and make their voice heard, but also to become more comfortable with the idea of going out where people are to seek their opinions on issues of council policy and performance directly.

5.4 Scrutiny could provide a key way to:

- Challenge the way that the council releases information, and interprets and presents public information (effectively championing the interests of local people in transparency at local level);
- Use publicly available data (from the council and from other partners) to work with local people to use its powers to hold to account poor performance, or poor value for money;
- Provide a channel for local people to get concerns that they have about any published information investigated further;
- Raise the quality of debate, focusing not just on the cost of services but on their value to the local community, and so linking the use of expenditure data (and other information) to strategic concerns.

5.5 How scrutiny could go about doing this

We have already discussed the importance of culture in encouraging a new approach to data transparency. Scrutiny can and should play a part in developing this culture. The following methods may work well:

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<sup>32</sup> Partnership structures are often informal in nature and hence are not “public bodies” for the purposes of the Act, Also, some jointly-owned public services are semi-public, meaning that some parts of their activities are subject to FOI but not others.

<sup>33</sup> While the removal of the duty (as has been proposed by the Government in its recent consultation on statutory duties) has garnered significant opposition, it would be obtuse to suggest that its abolition will mean that councils will no longer seek to involve local people in decisions they make. Equally, there is an argument that the duty to involve as it stands is too vague to be useful - <http://www.involve.org.uk/should-duty-to-involve-be-repealed/>

- Carrying out an audit (by way of conducting a scrutiny review) of how transparent the authority is – looking at the way it makes decisions, how it makes information available and the extent to which it acts on public concerns<sup>34</sup>;
- Using publicly available data to form an evidence base for scrutiny reviews;
- Marrying up expenditure data, performance information and a range of other data to reach judgments about value for money<sup>35</sup>;
- In so doing, working more closely with the council’s audit function;
- Securing an oversight role for the authority’s response to FOI requests, in partnership with the Monitoring Officer;
- Finding out from local people – as an element of other reviews – which particular sorts of information they want, and expect, the council to produce on a given subject, and making recommendations accordingly;
- Helping local groups to acquire and make sense of information, and helping them to influence change.

5.6 A proportion of this activity will involve engagement with the executive. Where the executive has taken a compliance-based approach to the Government’s data expectations, this may make scrutiny’s task more difficult. However, by demonstrating the clear business case for increased transparency, scrutiny can help to shift organisational culture towards an understanding that transparency can, if approached in the right way, help to improve services.

#### 5.7 Scrutiny and “sector self-regulation”

The .Local Government Group’s paper “Taking the Lead”<sup>36</sup> sets out a vision for ensuring that local government continues to improve, and remains responsive to the needs of local people. This move away from central inspection towards a structure typified by locally-led analysis of performance, supplemented by regular peer reviews, will involve a different approach to the analysis and use of data – again, moving this away from compliance with an external stimulus<sup>37</sup> towards an approach which uses data to analyse local need.

5.8 Scrutiny can play a role in this process by ensuring that its work looks closely at local data – not just statistical information but a wider corpus of evidence as well – to reach robust conclusions which can be fed into the

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<sup>34</sup> We explore some of the practicalities of this approach in our Accountability Works For You framework – [www.cfps.org.uk/what-we-do/accountability-works](http://www.cfps.org.uk/what-we-do/accountability-works)

<sup>35</sup> See “Counting the cost, measuring the value” (CfPS, 2011)

<sup>36</sup> <http://www.local.gov.uk/taking-the-lead>

<sup>37</sup> In this instance, Comprehensive Performance Assessment (CPA) and, to a lesser extent, Comprehensive Area Assessment (CAA).

self-regulation process. Again, success here will rely on scrutiny being able to use information constructively and intelligently to challenge and inform the policy development process. These are themes we explore in the documents listed below under “Further reading”.

### Further reading

#### *CfPS documents*

“Counting the cost, measuring the value” (2011)

“Measuring what matters” (2011)

“Green light” (2010)

“Global challenge, local solutions” (2009)

#### *Other documents*

Birkinshaw P, “Freedom of Information: The Law, The Practice and The Ideal” (3<sup>rd</sup> edn, Butterworths, 2005)

“Insight: understanding your citizens, customers and communities” (LGA, 2008)

“Delays in Investigating Freedom of Information Complaints” (CFOI, July 2009)

“Freedom of Information: Three Years On” (ICO, 2008), particularly 3.2 onwards

“Draft Code of Recommended Practice on Data Transparency” (DCLG, February 2011)