

WIRRAL COUNCIL

COUNCIL EXCELLENCE OVERVIEW AND SCRUTINY COMMITTEE

27 NOVEMBER 2012

SUBJECT	QUARTERLY ANALYSIS OF FREEDOM OF INFORMATION REQUESTS AND LOCAL GOVERNMENT OMBUDSMAN CONTACTS
WARD/S AFFECTED	ALL
REPORT OF	INTERIM DIRECTOR OF FINANCE
RESPONSIBLE PORTFOLIO HOLDER	COUNCILLOR PHIL DAVIES
KEY DECISION	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report was considered by Cabinet on 8 November 2012 and is presented to this Committee primarily for information.
- 1.2 The purpose of this report is to provide Members with quarterly analysis of requests received under the Freedom of Information Act and contacts made by the Local Government Ombudsman, as recommended by Cabinet at its meeting on 12 April 2012 (Minute 404). Additional qualitative information is offered on service performance in responding to contacts, highlighting any exceptions.

2.0 BACKGROUND AND KEY ISSUES

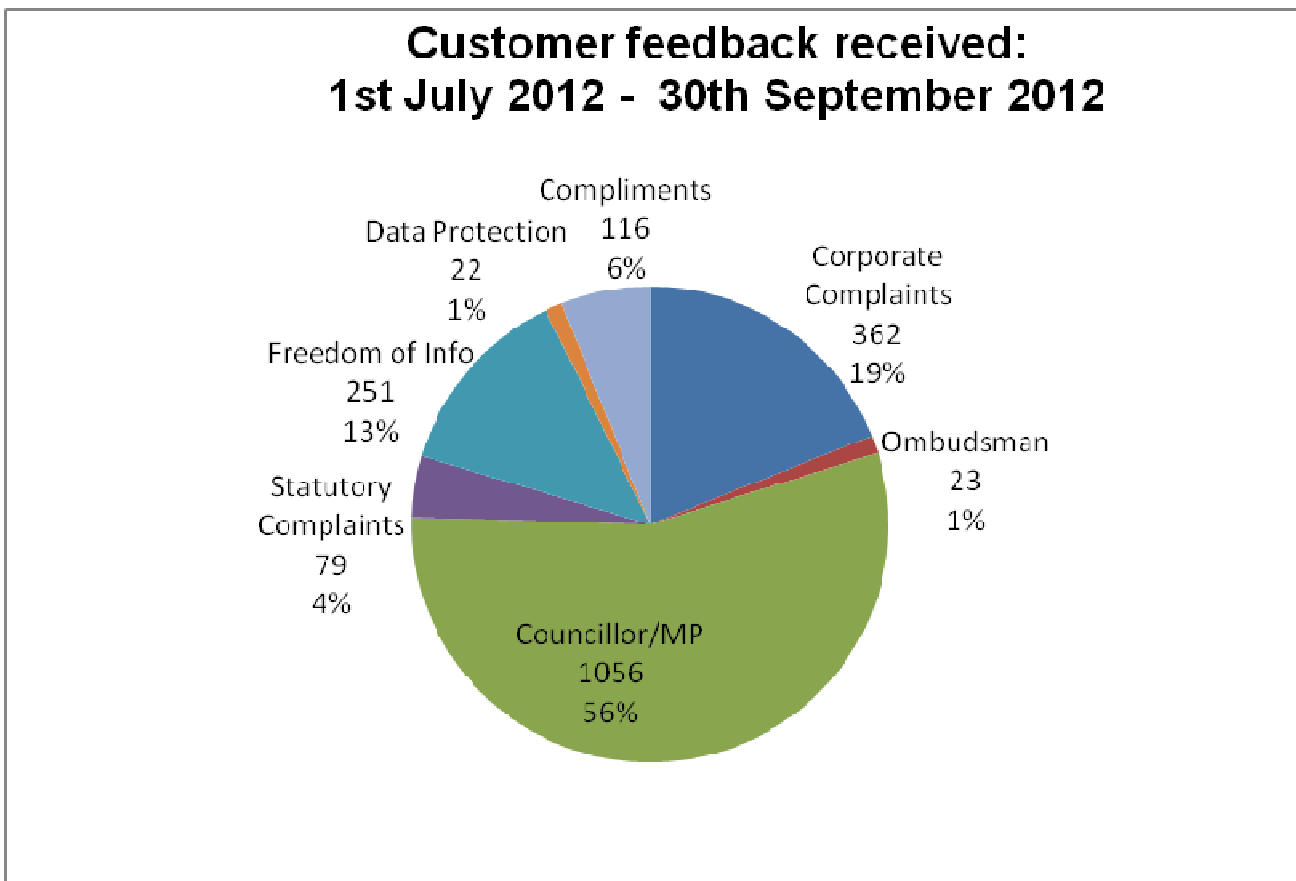
- 2.1 For a full overview of Freedom of Information (Fol) requests and Local Government Ombudsman (LGO) contacts please refer to Council Excellence Overview and Scrutiny Committee 01 October 2012 (Minute 6).
- 2.2 In summary, Fol requests, made under the Freedom of Information Act 2005 and supplemented by the Environmental Information Regulations 2004, have a response target of 20 working days and are categorised as:
- Freedom of Information requests
 - Requests made under the Environmental Information Regulations
 - Internal Reviews (internal appeals e.g. against a delay in providing the requested information or a failure to disclose/fully disclose)
 - Contacts from the Information Commissioners Office (external appeals on similar grounds to internal reviews)
- 2.3 LGO contacts, which have a standard response target of 28 calendar days and are generally received after the Council has had the opportunity to resolve the issue through its own corporate or statutory procedure, are categorised as:
- Initial requests for information
 - Follow-up enquiries/clarification sought
 - Investigations

2.4 Once the LGO has reviewed a submitted complaint it provides both the complainant and the Council with a finding, categorised as:

- Premature complaints - Council not had an opportunity to consider the complaint.
- Outside jurisdiction - precluded from investigation by LGO due to legal statute.
- Local settlement – during course of LGO investigation the Council takes some course of action which the LGO considers a satisfactory resolution of issue.
- Ombudsman’s discretion – discontinued as complainant withdraws complaint; LGO unable to maintain contact with complainant; the complainant takes court action or insufficient injustice found to continue the investigation.
- No evidence of maladministration – Council has acted appropriately and no indication of any wrong-doing.

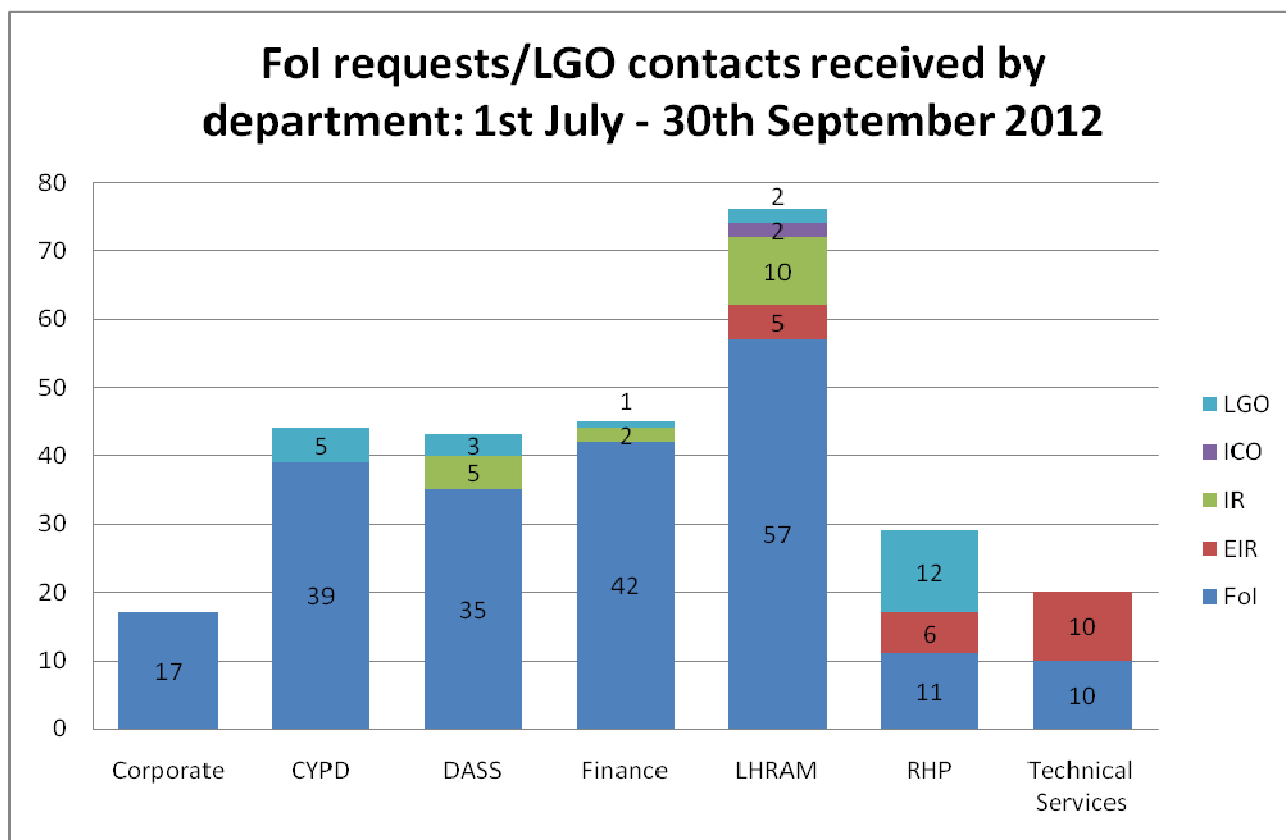
PERFORMANCE QUARTER 2 2012/13

2.5 For context and to offer volume comparisons, FoI and LGO contacts are displayed in the table below as part of wider customer feedback contacts received in this quarter:



2.6 FoI contacts, which recorded a 26% reduction in overall contacts received in comparison with the last quarter (Q1), were split over FoI requests (84%); requests made under the Environmental Information Regulations (8%); internal reviews (7%) and Information Commissioner’s Office (ICO) requests (1%). LGO contacts, which recorded a 44% increase in overall contacts received in comparison with the last quarter, were split over requests for information (96%) and a full investigation (4%).

2.7 By department Fol/LGO contacts were split as follows:



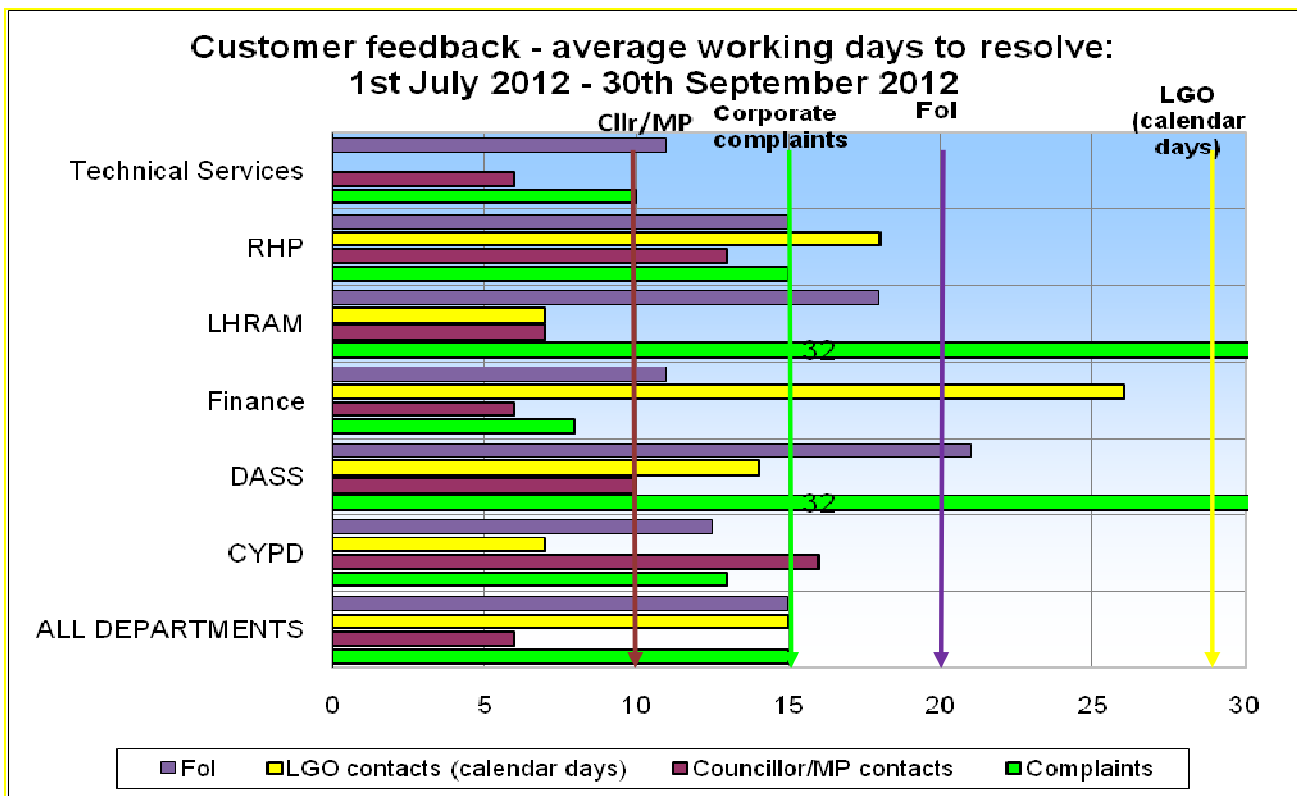
2.8 Analysis within the figures displayed in the table above reveals the following high volume service areas across departments.

- CYPD social care/schools accounted for 15% of total Fol requests received (17% in Q1) and 80% of all Fol requests received by this department. The schools service also accounted for 80% of this department's LGO contacts.
- DASS access and assessment accounted for 16% of total Fol requests received (18% in Q1) and 100% of all Fol requests received by this department. This service also accounted for 29% of all requests for internal reviews (62.5% in Q1). It should be noted that the access and assessment generic heading covers a wide range of services delivered by the department. Care services accounted for 100% of LGO contacts received by this department.
- Finance support services accounted for 7% of total Fol requests received (no change from Q1) though this includes some requests handled by the Fol coordinator on behalf of the Council/other departments. The benefits; miscellaneous incomes and revenues services accounted for 55% of all Fol requests received by this department. The only LGO contact was for the revenues services and was a request to instigate a full investigation into the issues raised.

- LHRAM human resources and legal and member services accounted for 15% of total Fol requests and 68% of requests received by this department. Legal and member services accounted for all of this department's internal review requests and 53% of all internal reviews received by the Council in this quarter. This service also received 2 Information Commissioners Office requests due to delays in responding to previous Fol requests.
- RHP development control and land charges accounted for 42% of all Fol/EIR requests received by this department; planning services accounted for 52% of all LGO contacts received (12.5% in Q1) and 100% of LGO contacts received for this department.
- DTS highway maintenance enforcement accounted for 30% of all Fol/EIR requests by this department.

2.9 As reported in Q1, both departmental and specific service area Fol contact totals have been inflated by numerous requests received from a single source, accounting for 9% of all Fol requests (19% in Q1) and 47% of all internal review requests (81% in Q1) received in this quarter. From a service area perspective, this single source accounts for 33% of all Fol requests received for DASS access and assessment; 80% of all Finance benefits requests and 30% of all LHRAM legal and member services requests received in the quarter.

2.10 Again, for comparison against other key customer feedback contacts, Fol and LGO performance information is provided in the table below.

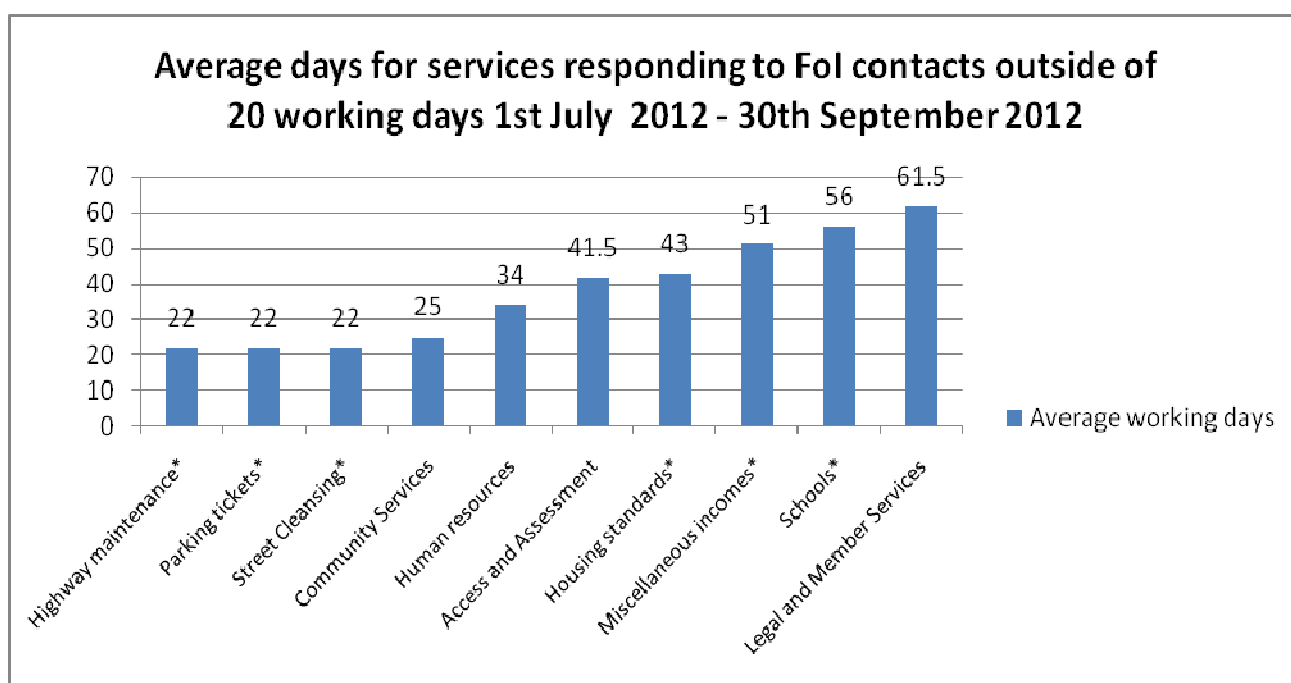


2.11 All departments apart from DASS (21 working days) maintained an average response rate within the standard Fol response target (20 working days). All departments maintained an average within the LGO target (28 calendar days) for contacts closed in the quarter. DASS (21 working days) and LHRAM (18 working days) took the longest to respond to Fol contacts with Technical Services (11 working days) taking the least amount of time to respond.

2.12 Across all Fol contacts closed in the quarter the Council, within the Fol legislation, requested an additional 20 working days to respond for 4 contacts in total (3 of these being for LHRAM human resources).

2.13 Of all the LGO contacts responded to in the quarter, the LGO has communicated a final decision in 5 cases: 3 resolved within the ombudsman’s discretion and 2 with no evidence of maladministration found (see point 2.4).

2.14 Service areas responding to Fol contacts outside of the designated target during this quarter were as follows:

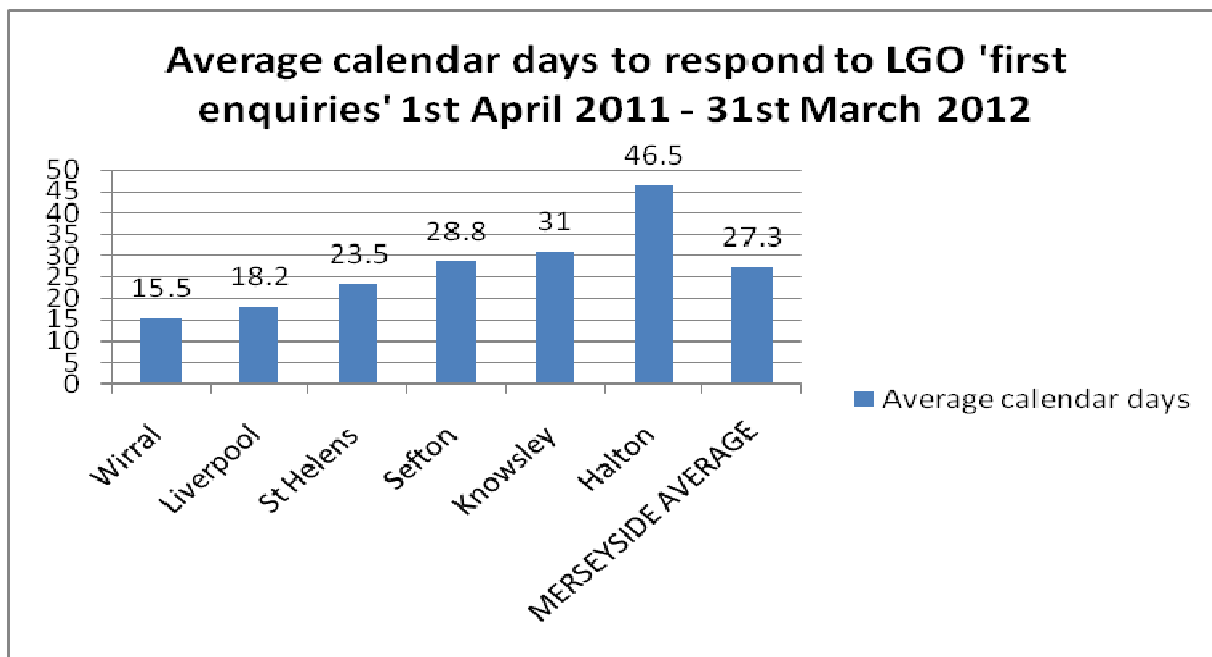


*indicates single contact only

2.15 Issues relating to finite resources available to respond to a particularly high volume of Fol requests were a key factor in these response times for (DASS) access and assessment and (LHRAM) legal and member services. As per point 2.9 a number of Fol requests from a single source focused on specific service areas, which created greater pressures on Council resources to effectively respond to incoming requests.

2.16 The ability to record and monitor Fol contacts alongside other customer feedback received by the Council, including LGO contacts, should offer improved visibility over future quarters to identify trends and take remedial action were necessary to address performance issues.

2.17 A separate report will be presented to Standards Committee on 17 November 2012 detailing the annual review letter received from the LGO, covering the Council's performance in responding to LGO contacts during 2011/2012. This report will highlight the key performance indicator used by the LGO of responses to 'first enquiries' which Wirral recorded an average of 15.5 calendar days and can be favourably compared to the reported performance in the immediate North West region:



3.0 RELEVANT RISKS

3.1 That the Council fails to meet target responses, which is mitigated by the performance review offered here and the opportunity to address identified performance related issues.

4.0 OTHER OPTIONS CONSIDERED

4.1 None.

5.0 CONSULTATION

5.1 No consultation has been carried out in relation to this report.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no implications for voluntary, community or faith groups.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 There are no significant resource implications other than those already referred to in the body of the report (point 3.11).

8.0 LEGAL IMPLICATIONS

8.1 There are no legal implications arising out of this report.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality within the report.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 None.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 None.

12.0 RECOMMENDATION/S

12.1 That the report be noted.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 To ensure Members are informed of the number and nature of Fol and LGO requests received by the Council and the level of performance in responding to these contacts.

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SUBJECT HISTORY

Council Meeting	Date
Standards Committee	29 September 2009
Standards Committee	29 March 2010
Standards Committee	29 September 2010
Standards Committee	02 December 2010
Standards Committee	26 January 2011
Standards Committee	29 September 2011
Cabinet	12 April 2012
Council Excellence Overview and Scrutiny Committee	01 October 2012
Cabinet	8 November 2012