

# WIRRAL COUNCIL

## CABINET

7 FEBRUARY 2013

<b>SUBJECT:</b>	<b><i>QUARTERLY ANALYSIS OF FREEDOM OF INFORMATION REQUESTS AND LOCAL GOVERNMENT OMBUDSMAN CONTACTS</i></b>
<b>WARD/S AFFECTED:</b>	<b><i>ALL</i></b>
<b>REPORT OF:</b>	<b><i>INTERIM DIRECTOR OF FINANCE</i></b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b><i>CLLR. PHIL DAVIES</i></b>
<b>KEY DECISION?</b>	NO

### 1.0 EXECUTIVE SUMMARY

1.1 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

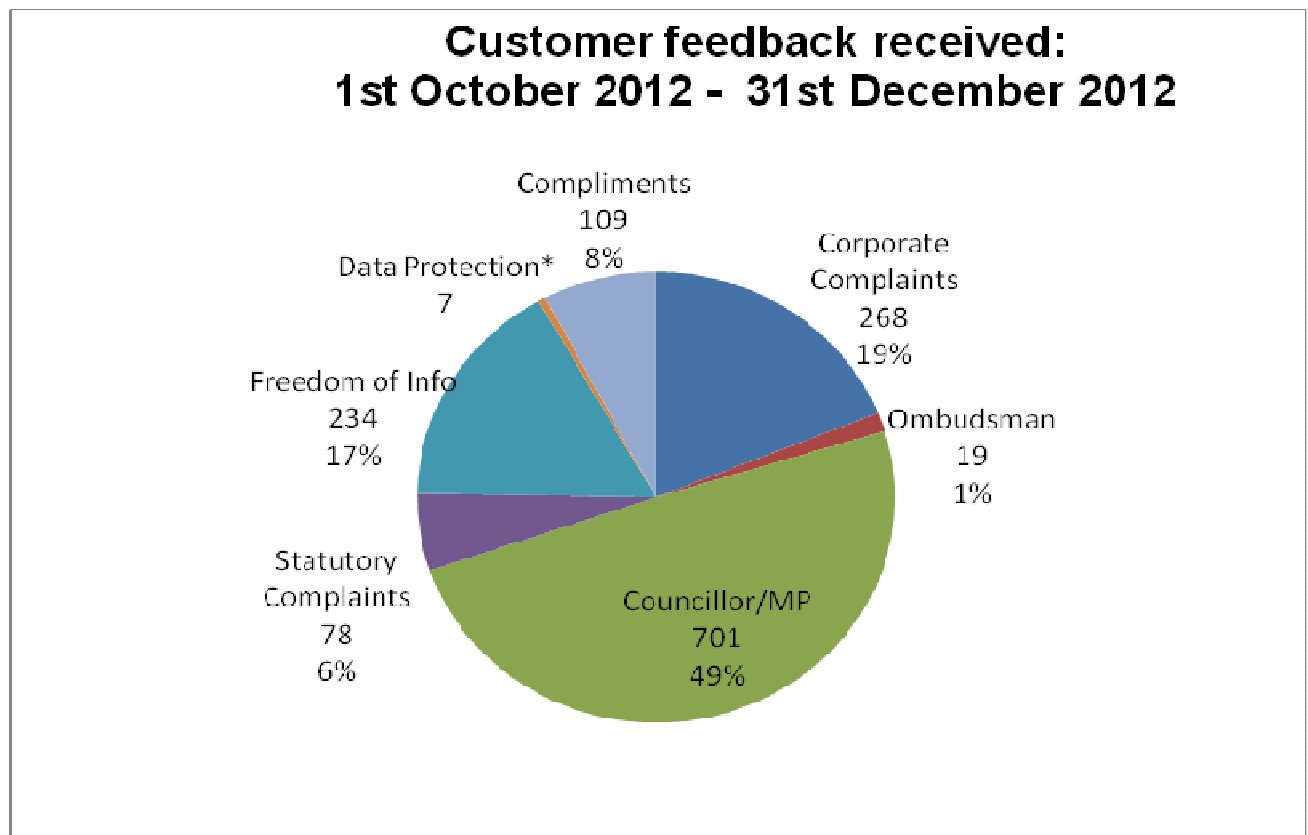
- Follow-up enquiries/clarification sought
- Investigations

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

### 3.0 PERFORMANCE QUARTER 3 2012/13

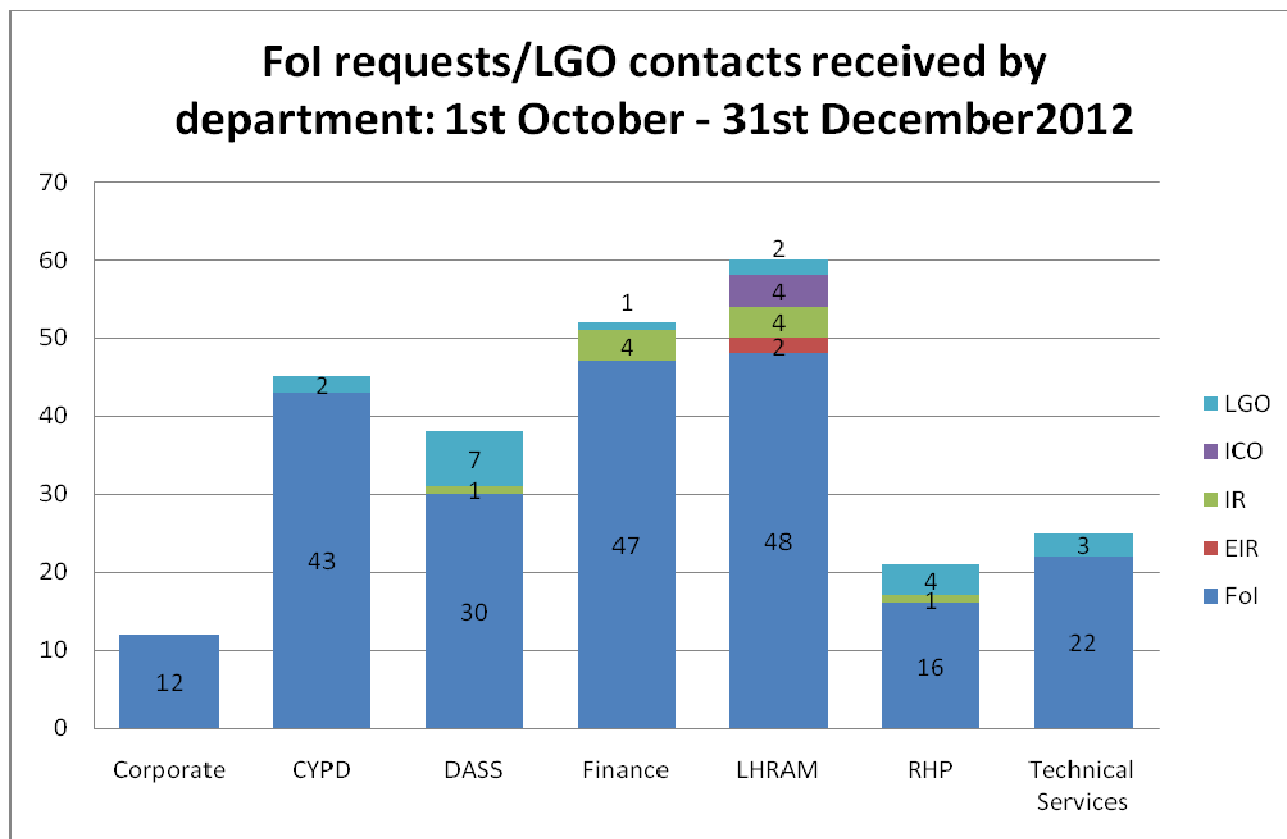
3.1 For context and to offer volume comparisons, FoI and LGO contacts are displayed in the table below as part of wider customer feedback contacts received in this quarter:



\*Data Protection figure not including CYPD contacts (unavailable at time of report)

3.2 FoI contacts, which have displayed a reducing trend since quarter 1 (Q1 340; Q2 251; Q3 234) were split over FoI requests (93%); requests made under the Environmental Information Regulations (1%); internal reviews (4%) and Information Commissioner's Office (ICO) requests (2%). LGO contacts, which recorded a 17% decrease in overall contacts received in comparison with the last quarter, were split between requests for information (15); follow-up enquiries (3) and a single full investigation.

3.3 By department FoI/LGO contacts were split as follows:



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

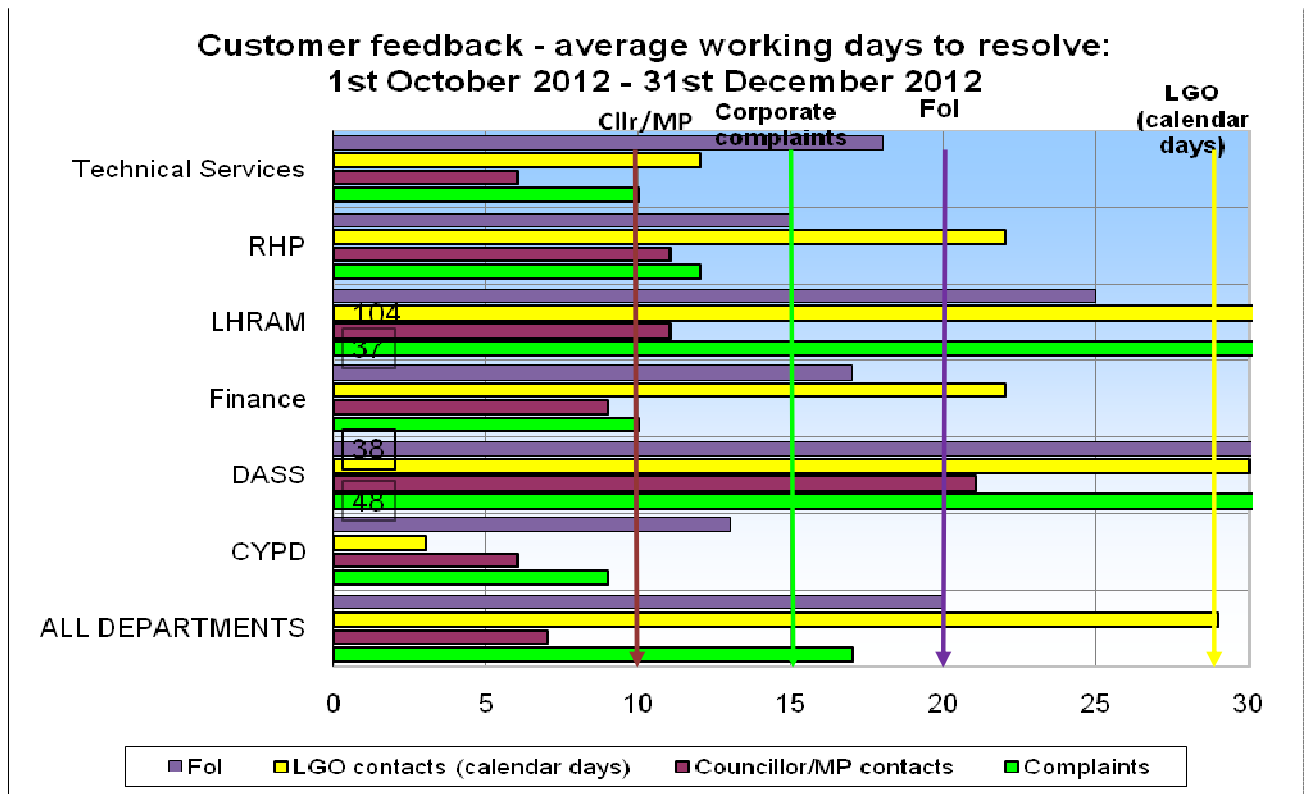
- CYPD social care/schools accounted for 15% of total FoI requests received (Q1 17%; Q2 15%) and 81% of all FoI requests received by this department. There were 2 LGO contacts recorded (child protection and children's social care).
- DASS access and assessment accounted for 9% of total FoI requests received (Q1 18%; Q2 16%) and 71% of all FoI requests received by this department. 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 86% of LGO contacts received by this department.
- Finance support services accounted for 14% of total FoI requests received, including 40% of all internal reviews raised in this quarter though this includes some contacts handled by the FoI coordinator (working within this service) on behalf of the Council/other departments. The Benefits; Miscellaneous Incomes and Revenues

services accounted for 39% of all FoI requests received by this department. The only LGO contact was for the Benefits Service.

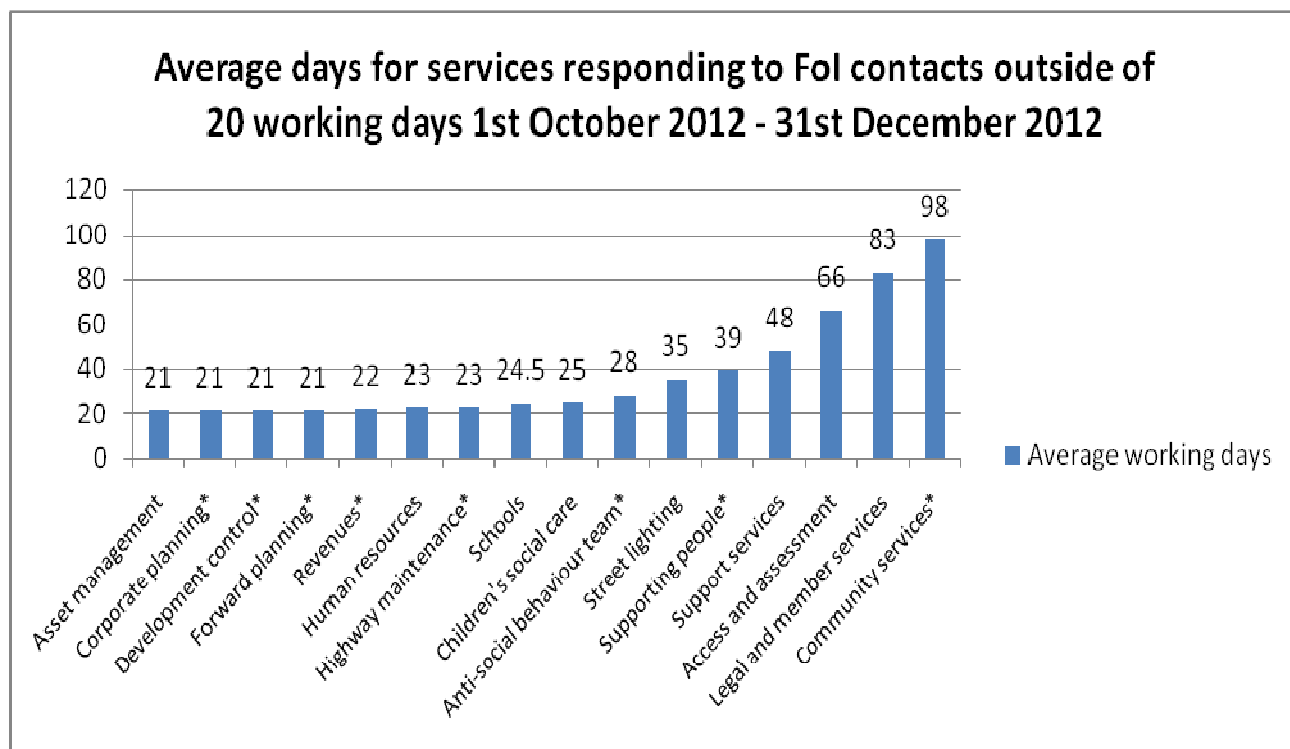
- LHRAM Human Resources and Legal And Member Services accounted for 15% of total FoI requests (no change from last quarter) and 62% of requests received by this department. Human Resources accounted for all of this department's internal review requests and 40% of all internal reviews received by the Council in this quarter. This department also received all Information Commissioners Office requests received by the Council in this quarter, predominantly due to delays in responding to previous FoI requests (3 legal and member services; single human resources contact). There were 2 LGO contacts recorded in this quarter (community safety and legal and member services).
- RHP development control and land charges accounted for 41% of all FoI/EIR requests received by this department and included a single internal review; planning services accounted for 75% of all LGO contacts received for this department.
- DTS parks, countryside, cemeteries and crematoria and traffic issues accounted for 36% of all FoI contacts received by the department with 3 LGO contacts recorded (highway maintenance; refuse collection and trees).

3.5 As reported in Q1 and Q2, both departmental and specific service area FoI contact totals have been inflated by numerous requests received from a single source, accounting for 13% of all FoI requests (Q1 19%; Q2 9%) and 30% of all internal review requests (Q1 81%; Q2 47%) received in this quarter.

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



- 3.7 All departments apart from DASS (38 working days) and LHRAM (25 working days) maintained an average response rate within the standard FoI response target (20 working days). The DASS access and assessment service responded in an average of 41 working days and the LHRAM legal and member service responded in an average of 52 calendar days.
- 3.8 All departments apart from LHRAM (104 calendar days) and DASS (30 calendar days) maintained an average within the LGO target (28 calendar days) for contacts closed in the quarter. DASS care services took an average of 32 calendar days to respond to contacts and LHRAM community services took an average of 104 calendar days to respond to (2) contacts in the quarter.
- 3.9 Across all FoI contacts closed in the quarter the Council, within the FoI legislation, requested an additional 20 working days to respond for a single contact.
- 3.10 Of all the LGO contacts responded to in the quarter, the LGO has communicated a final decision in 10 cases: 7 resolved within the ombudsman’s discretion and 3 with no evidence of maladministration found (see point 2.4).
- 3.11 Service areas responding to FoI contacts outside of the designated target during this quarter were as follows:



\*indicates single contact only

- 3.12 Issues relating to finite resources available to respond to a particularly high volume of FoI requests were a key factor in these response times for (DASS) access and assessment and (LHRAM) legal and member services. As per point 3.5 a number of FoI requests from a single source focused on specific service areas, which created greater pressures on Council resources to effectively respond to incoming requests.

- 3.13 The ability to record and monitor FoI 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.

#### **4.0 FoI IMPROVEMENT PLAN**

4.1 The Information Commissioners Office has received a number of complaints regarding the time it takes the Council's to respond to FoI requests. The ICO will be monitoring Wirral's performance during the three months, from 1 January 2013 to 31 March 2013, and may take further action if performance does not improve.

4.2 A detailed action plan has been agreed by the Executive Team to address the concerns raised by the ICO and will ensure all possible improvements are implemented before the end of quarter 4 2012/2013.

4.3 The plan includes the following aspects:

- Improved workflow to increase accessibility and subsequent assignment of requests
- Increased resources in support of coordinating FoI contacts
- Integration of the FoI team into Legal and Member Services in support of improved communication
- Improved and consolidated management information to enhance ability to manage service performance
- Improvements to the Council's publication scheme

#### **5.0 RELEVANT RISKS**

5.1 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.

#### **6.0 OTHER OPTIONS CONSIDERED**

6.1 None.

#### **7.0 CONSULTATION**

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

#### **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

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

#### **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

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

#### **10.0 LEGAL IMPLICATIONS**

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

## 11.0 EQUALITIES IMPLICATIONS

11.1 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.

## 12.0 CARBON REDUCTION IMPLICATIONS

12.1 None.

## 13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 None.

## 14.0 RECOMMENDATION/S

14.1 That the report be noted and considered alongside the separate wider customer feedback review offered in the quarterly corporate performance report.

## 15.0 REASON/S FOR RECOMMENDATION/S

15.1 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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## APPENDICES

## REFERENCE MATERIAL

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
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
Council Excellence Overview and Scrutiny Committee	27 November 2012