



## Rutland County Council

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Ladies and Gentlemen,

A meeting of the **RESOURCES SCRUTINY PANEL** will be held in the on **Thursday, 27th April, 2017** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs  
**Chief Executive**

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**9) FREEDOM OF INFORMATION ANNUAL REPORT**

To receive Report No. 79/2017 from the Director for Resources  
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## RESOURCES SCRUTINY PANEL

27 April 2017

### FREEDOM OF INFORMATION ANNUAL REPORT

#### Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (except Finance)	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
	Sue Bingham, Governance Coordinator	01572 758165 sbingham@rutland.gov.uk
Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

1. That the Panel note the content of this report and the progress made in 2016/17 and provide feedback on any aspects where the service could be improved

## 1 PURPOSE OF THE REPORT

- 1.1 To provide Resources Scrutiny Panel with an overview of the management and effectiveness of the Councils' Freedom of Information (FOI) procedures through 2016/17.

## 2 REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT 2000

- 2.1 The Freedom of Information Act 2000 imposes an obligation on public authorities to provide public access to certain information held by them. On receipt of a valid request for information the authority must comply with that request as required by the Act, unless an exemption can be applied. The main principle behind the FOI legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for non-disclosure of the information in accordance with the provisions in the Act.
- 2.2 Anyone has a right to request information from a public authority. Our three separate duties when responding to these requests are:
  - to tell the requester whether we hold any information falling within the scope of their request
  - to provide that information

- to respond to the request within 20 working days

2.3 The Corporate Support Team manage the FOI process. When an FOI request is received by the Council it is acknowledged, logged and allocated a unique reference number. The Corporate Support Team will check to see if there has been a similar (or the same request) before or if the information requested is available on the Council's website. If this is the case the response will be created centrally, resulting in no requirement for teams to undertake additional work. If the information is not held centrally, the request is then forwarded to the appropriate Head of Service to answer, or to cascade to the relevant officer, within a 10 working day deadline.

2.4 When the completed response is received back into the FOI mailbox it is processed and sent to the Governance Coordinator for a final quality check. After approval has been given the response is provided to the requester in a professional format.

2.5 All responses are published weekly on the Councils website. This enables us to provide the best possible service to our customer and minimise the work time and resource required to comply with FOI requirements.

2.6 The following process is in place for managing late responses:

- Day 8 - If no response from the allocated Head of Service is received a 'reminder' email is sent
- Day 10 – first 'hastener' email is sent to the Head of Service
- Every 2 days after that another 'hastener' email is sent
- Day 16 – If the response is still outstanding the FOI is passed to the Governance Coordinator to pursue with the Head of Service

2.7 The current processes for registration, monitoring and chasing, as detailed above, continues to be an efficient and effective way to manage FOI requests and ensure we remain compliant with the legislation. Processes are kept under review and in 2016/17 improvements were made in the following areas:

- Increased number of requests answered centrally, therefore, less officer time taken within teams
- Regular publication of responses on the website
- Increased publication of frequently requested information on the website

### 3 STATISTICS FOR 2016/17

3.1 The number of FOI's received during 2016/17 is shown in the table below:

Directorate	Number of FOI's	% answered within 20 days
People	277	98%
Resources	368	100
Places	356	99%
Land Charges (EIR - Environmental Information Regulations)	490	95%
<b>Total</b>	<b>1,491</b>	<b>99%</b>

3.2 The table below shows the top 20 requests received by subject area:

Position	Subject	Number of Requests
1	Business Rates	71
2	IT	50
3	Highways	32
4	Planning	31
5	Structure	26
6	Finance	24
7	Public Health	22
8	Adult Social Care	21
9	Council Tax	19
	Licensing	19
10	Home Care	18
13	Parking	17
14	Contracts & Procurement	16
	Special Educational Needs (SEN)	16
15	Burials & Public Health Funerals	13
	Agency Staff	13
	Unaccompanied Asylum Seeking Children (UASC)	13
16	Animals	12
17	Elections	11
	Fostering	11
18	Transport	10
	Child abuse	10
	Council Owned Property	10
19	School Fines	8
	Schools Medical /Compensation	8
	Looked After Children	8
	Corporate/Staff Contact Details	8
20	Schools Abuse /Violence	7

3.2.1 The FOI team works with teams to publish information on the website where possible. This means that future requests for the same information can be signposted to the published information which significantly reduces the work involved in responding to the request. Further improvements are necessary and we are working to address this in 2017/18 with more analysis of the information provided to requesters.

3.2.2 The majority of Business Rates requests are answered by the FOI team as substantial information is published on our website. The FOI team have worked with the Revenues and Benefits Manager to produce a template response that gives the requester the link to the Councils website where Business Rates information is held. This process reduces the amount of time (therefore cost) to the Council in responding to these requests. Templates responses are also used for the following subjects areas:

- Housing
- Public Health Funerals
- Schools – HR & Staffing

3.3 Vexatious or Repeat Requests - Under section 14(1) and 14(2) of the Freedom of Information Act (FOIA), public authorities do not have to comply with vexatious or repeat requests. The Information Commissioners Office (ICO) states that a vexatious or repeat requests fall into the following categories:

- patently unreasonable or objectionable
- likely to cause a disproportionate or unjustified level of disruption, irritation or distress
- previously provided the same requester with the information in response to an earlier FOIA request; or
- previously confirmed the information is not held in response to an earlier FOIA request from the same requester

3.4 There was no need to apply the vexatious policy in 2016/17. There were 15 individual requesters that submitted more than 5 requests, the highest number being 20. In total they account for 7% of the requests received during the year.

3.5 The table below shows the most frequent requests by organisation (5 or more). Collectively, these organisations submitted 15% of the total number of FOI requests for the year:

Organisation	Number of requests
What Do They Know*	60
BBC	36
Liberal Democrats	23
Public Health	22
ITV	14
Data News	12
Sky News	10
Trinity Mirror	10
Pali Ltd	9
Parliament	9
Good Morning Britain	7
Daily Mail	6
Unison	5
Citigate	5

\*The most frequent organisation to submit FOI requests is What Do They Know. This is a website that helps members of the public submit a Freedom of Information request. Therefore request will have come from many different origins/requesters.

#### 4 COST AND TIME RESPONDING TO FOI REQUESTS

4.1 The cost to the Council in responding to FOI requests can vary depending on how complex the request. Below are the categories for these types for requests:

- Basic request with no issues
- Request requiring further attention e.g. clarification or chasing
- Complex request

- 4.2 Approximately 70% of requests fall within the 'basic' category; 20% fall within the 'further attention' category and 10% fall within the 'complex' category. The estimated cost to the Council for 2016/17 was £22,300.

## 5 PERFORMANCE DURING THE YEAR

- 5.1 The information in the table below shows the improvement against 2015/16

Quarter	No of FOI Requests	Completed on time	Quarter %	Cumulative %
1 15/16	339	314	93	93
2 15/16	345	338	98	95
3 15/16	344	340	99	96
4 15/16	373	343	92	95
<b>Total</b>	<b>1401</b>	<b>1335</b>		<b>95</b>
1 16/17	362	352	97	97
2 16/17	348	348	100	98.5
3 16/17	347	347	100	99
4 16/17	434	434	100	99.3
<b>Total</b>	<b>1491</b>	<b>1481</b>		<b>99</b>

- 5.2 In 2016/17 the Council received 90 more requests than in 2015/16. Despite this, the number completed within the statutory deadline increased to 99.3% for the year.
- 5.3 100% of requests were returned within the statutory deadline (20 working days) in Quarters 2, 3 and 4 of 2016/17. The results demonstrate that the Council's consistency in responding to FOI requests is improving.
- 5.4 The table below shows the performance for the last three years. Despite a significant increase in the number of requests received throughout the period April 2014 to March 2017, timescales for responses are consistently improving. There have been significant improvements in the administration of FOI since the service was reviewed in 2013. The performance reflects the hard work that has gone into ensuring that the Council continues to provide a high quality response to requesters.

	2014/15	2015/16	2016/17
Total number of FOI/EIR requests	1,380	1,401	1,491
Number completed within statutory timescales	1,173	1,331	1,481
% completed within statutory timescales	85%	95%	99%
Average number of days to complete a request	15	9	10

## 6 INTERNAL REVIEWS & INFORMATION COMMISSIONER REFERRALS

- 6.1 If a requester is unhappy with an FOI response, they can request an internal

review. Internal reviews are completed by Legal Services. If they remain unhappy following the internal review, the matter can be referred to the Information Commissioners Office (ICO). The table below sets out the number of internal reviews and referrals for 2016/17 and the prior year.

	2015/16	2016/17
Total number of requests for Internal Reviews (IR)	14	4
% completed within recommended timescales	100%	100%
Internal Review outcome: upheld	12	2 1 - Partially upheld
Internal Review outcome: not upheld	2	1
Escalations to ICO	2	0
Complaint outcome: upheld by ICO - corrective action required	1	N/A
Complaint outcome: not upheld - ICO found no fault	1	N/A

- 6.2 In 2016/17 the Council received 5 requests for Internal Reviews. All of which were upheld. The FOI team work with each department to ensure that lessons are learnt and changes are implemented as required to avoid future Internal Reviews.
- 6.3 Due to the changes within the Corporate Support/Governance Team the Internal Reviews are being completed by our shared Legal Services department with Peterborough City Council (PCC). Responses are expected from PCC in April 2017.
- 6.4 All responses are checked by the Governance Coordinator before being sent to the requester, therefore, providing an opportunity for responses, if required, to be discussed with departments so that the best possible information is supplied or exemptions are applied appropriately. The value of this additional check on responses can be evidenced by the low number of internal reviews and ICO referrals.

## 7 FURTHER AREAS FOR IMPROVEMENT

### ACTIONS FROM 2015/16:

- 7.1 Staff Resilience - Due to staff changes in August 2016 the FOI administration function has changed to another member of the Corporate Support Team. Lessons have been learnt in previous training and development of staff in this area, therefore, this change in staffing was a seamless transition and there has been no impact on the service. Furthermore, an external training course was attended which has provided additional knowledge to assist with the day to day administrative duties and support improvements in the FOI process in the future.
- 7.2 For any future staffing changes the same training process will be used. The Governance Coordinator regularly reviews the resilience of the FOI team and any training issues are addressed immediately.

- 7.3 It was identified that an additional officer be trained to be able to provide cover for the approval of responses. This training has taken place with 2 additional officers trained to undertake this task, resulting in additional resilience within the team.
- 7.4 FOI Publication Scheme and Disclosure Log - In August 2015 the FOI Publication Scheme on the Council's website was reviewed and links were added to pages on the website where responses to frequently asked requests can be found. This is an ongoing project with the FOI team promoting the publication of information.
- 7.5 In March 2017 the Council's new website was launched. This has given the FOI Team the opportunity to review and change some of the information on the FOI page. A search function has been implemented that allows requesters to locate previous requests more efficiently.

### **AREAS FOR IMPROVEMENT DURING 2017/18**

- 7.6 To enable us to provide the best service possible to our customers and to ease the pressure on officers we will continue to work with teams to publish information in the FOI Publication Scheme on the website.
- 7.7 A target of publishing 3 new sets of information per quarter has been set for 2017/18. Officers from across the Council have been approached to suggest types of information that could be published. This is a piece of work that the FOI team will align to the Transparency Code with the ultimate goal of channel shifting as many requesters as possible so that requesters can be sign-posted directly to the information on the website, significantly reducing the administrative burden involved in providing individual responses to requests.
  - 7.7.1 A review of the FOI statistical information the Council publishes will be undertaken in 2017/18. Local Authorities frequently publish information regarding the number of requests, compliance with Legislation and performance on a quarterly basis. This information currently forms part of this report, but could be published on the website in the future.

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