

Meeting:	Audit and governance committee
Meeting date:	23 January 2017
Title of report:	Access to information
Report by:	Information access and records manager

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

Following on from the monitoring officer's annual report, to further inform the committee of performance in the areas of complaints and requests for information made to the council over the past year.

Recommendation(s)

THAT:

- (a) the information set out in this report regarding requests for information and complaints over the past year be reviewed with regard to any risks arising.

Alternative options

- 1 There are no alternative options as the report provides a factual summary of performance.

Reasons for recommendations

- 2 To enable the committee to be assured that high standards of openness and transparency are adhered to.

Key considerations

- 3 The council receives requests for information under a range of legislation, this report covers requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 (for requests for environmental information), and Section 7 of the Data Protection Act 1998 (for requests by individuals to see personal data held on them). From January to December 2016 the council dealt with 1,169 requests under the Freedom of Information Act, 78 requests under the Environmental Information Regulations, and 57 requests under the Data Protection Act.
- 4 There is currently no requirement for public authorities to publish their figures on the number of information requests received, though this is likely to change in 2017 as the code of practice under Section 45 of the Freedom of Information Act is revised to require authorities employing over 100 members of staff to publish request statistics. It is therefore difficult to provide benchmarking without, ironically, submitting a Freedom of Information request to all other local authorities to ask for comparison figures. Anecdotely, many authorities have however reported that since the Freedom of Information Act came into force in 2005, the volume of requests annually had been rising up until the last 2 years, where a slight fall and plateauing in numbers of requests has occurred.
- 5 Trends over what has been requested over the past year have been licensing information, penalty notices for unauthorised school absence, the street works register, parish clerk contact details, information around public health funerals contract information, library spend and changes to the total number of annualised opening hours over specified periods, electoral information following the EU referendum, the number of staff employed, temporary staff costs, compensation claims, road safety inspection reports, environmental reports, correspondence relating to a particular planning application or neighbourhood plan, and the Southern Link Road. Many of these requests ask for a great deal of information (for example, requests for all correspondence received) which takes a great deal of time for service areas to collate and for the information access team to check through. The requests do however reflect a balance of issues directly affecting our local communities or individuals, and wider issues often requested as far as we can tell by journalists, companies, parliamentary researchers and charities.
- 6 Over the past year, 106 requests were refused in their entirety for exemptions including personal data, information already publically available and commercial sensitivity. One hundred and fifty-seven further requests had exemptions applied to part of the response for exemptions including personal data, commercial sensitivity, information publically available and prevention /detection of crime.
- 7 Information requests are administered by the information access team (IAT), who ask service areas to provide information in response to the requests received. Service areas within the council respond to requests within the statutory time limit, with compliance at the highest level it has ever been at 95% (pending the forthcoming quarter of figures on response rates). Those requests that are responded to late are due to one off problems or staff capacity issues. Most of the late responses are only slightly over the deadline.
- 8 Response rates, trends and amount of redaction is monitored monthly by the council's information governance steering group with reports and recommendations from the information access team. In the last 6 months the information access team have increased the response rate following identification of issues causing delays by

establishing alternative contact points with service areas to mitigate delays should the usual designated contact point be unavailable.

- 9 Publishing more information certainly helps the council to be more open and transparent, particularly when anticipating what information requests are likely to be made. There has been a notable example of publishing information leading to a reduction in the number of requests on a specific topic being reduced. Since September 2015, the business rates team have published their datasets on the council's website on a monthly basis. In the 6 months October 2015 to March 2016, there had been no great reduction in the number of requests for this data that were received, compared to the same period for the previous year. However, between April 2016 and September 2016 the number of requests received for business rates information has reduced by 28, compared to the same period last year (when the information was not published). Publishing has already made it easier and quicker for those requests that are received to be responded to.
- 10 Complaints data is held by the information access team, including for complaints investigated by the Local Government Ombudsman (LGO). For findings by the LGO of maladministration and injustice (where the council has been found to be "at fault") a decision notice will give recommendations that may include compensation payments. There are also clearly reputational issues for the council if there are such findings.
- 11 To avoid being at fault, generally the council needs to maintain standards of good communication, quick responses, good record keeping, sound decision-making and excellent customer service. Whilst complaints over the past year have covered a wide range of issues, generally themes of poor recording, not getting back to people when we said we would, and taking too long to provide a service have been found. Quarterly reports to directors highlight these areas and recommend action to be taken, so that complaints trend data is actively used to inform improvement as stated in the action plan for the annual governance statement.
- 12 The LGO themselves publish statistics by financial year. The LGO annual report covering April 2015 to March 2016 figures for comparative authorities are as follows:

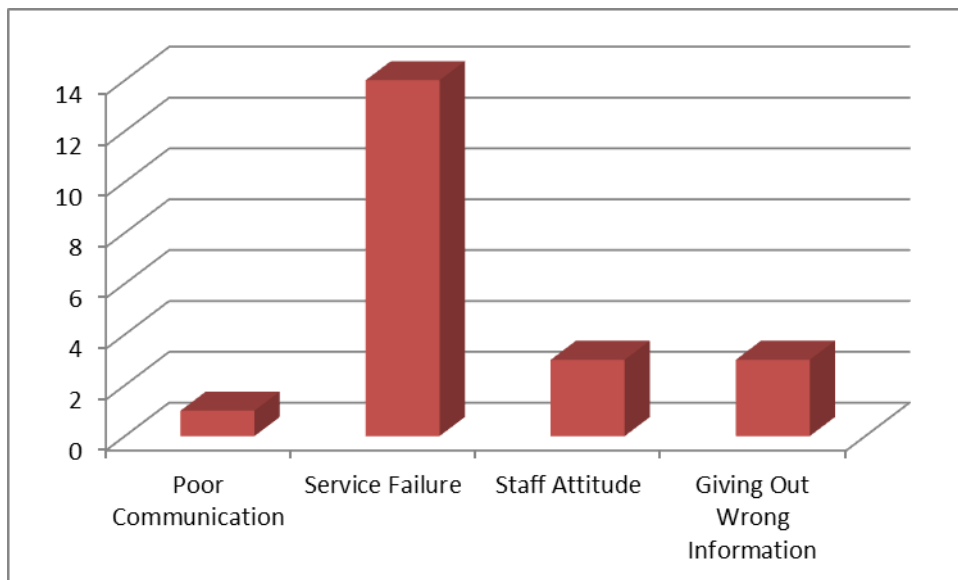
Authority	Not upheld	Upheld	Uphold rate
Bath and North East Somerset	9	9	50%
Bedford Borough	9	2	18%
Central Bedfordshire	4	10	71%
Cheshire East	25	20	44%
Cheshire West and Chester	11	12	52%
Cornwall	26	34	57%
East Riding of Yorkshire	15	10	40%
Herefordshire	15	14	48%
Isle of Wight	5	14	74%

Further information on the subject of this report is available from
Anthony Sawyer on Tel (01432) 260112

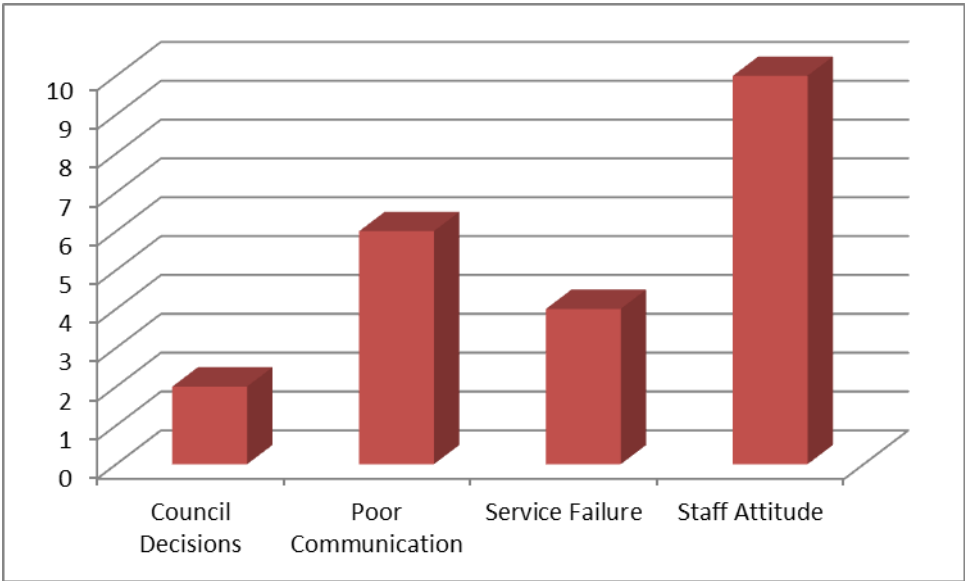
North Somerset	7	15	68%
Northumberland	14	11	44%
Rutland	1	0	0%
Shropshire	15	15	50%
Solihull	5	10	67%
Wiltshire	19	21	53%
York	9	13	59%

- 13 Herefordshire Council is in the lower quartile of comparable authorities. There has been a steady increase in complaints over the past 3 years, which likely reflect changes being made to services and greater awareness of the complaints process. A new process for implementing LGO decisions has been introduced including providing visibility of the decisions through the monitoring officer's reports to cabinet and reporting to directorate management teams and management board.
- 14 The graphs below show the volume of all complaints received by the council for the most recent reported quarter, July to September 2016, by category:

Adults and Wellbeing

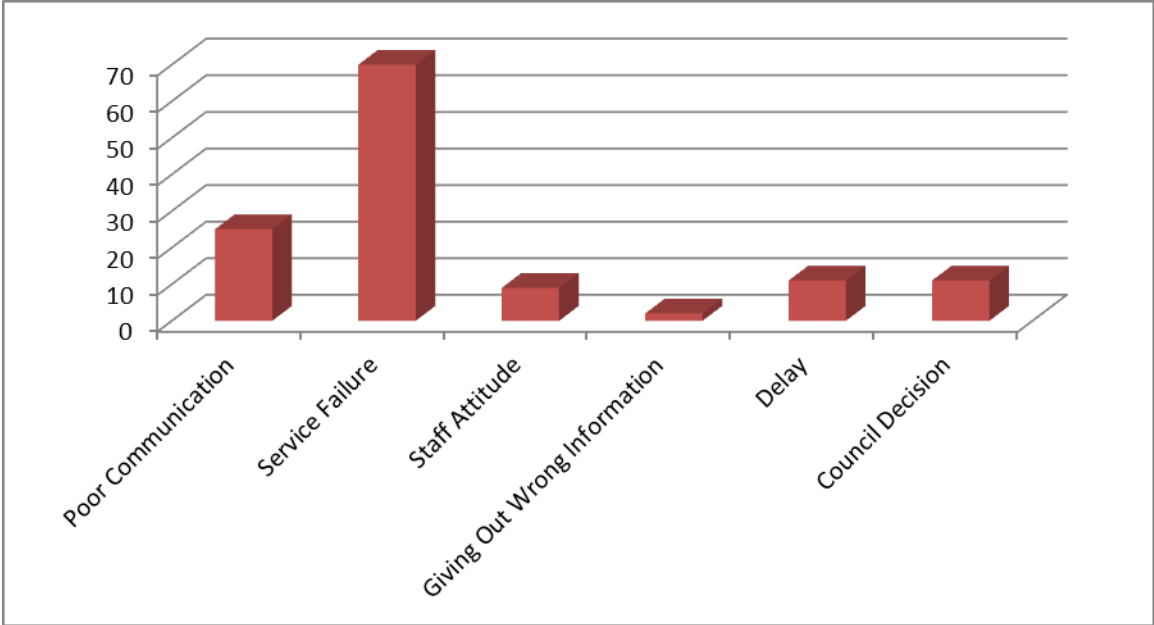


Children’s wellbeing

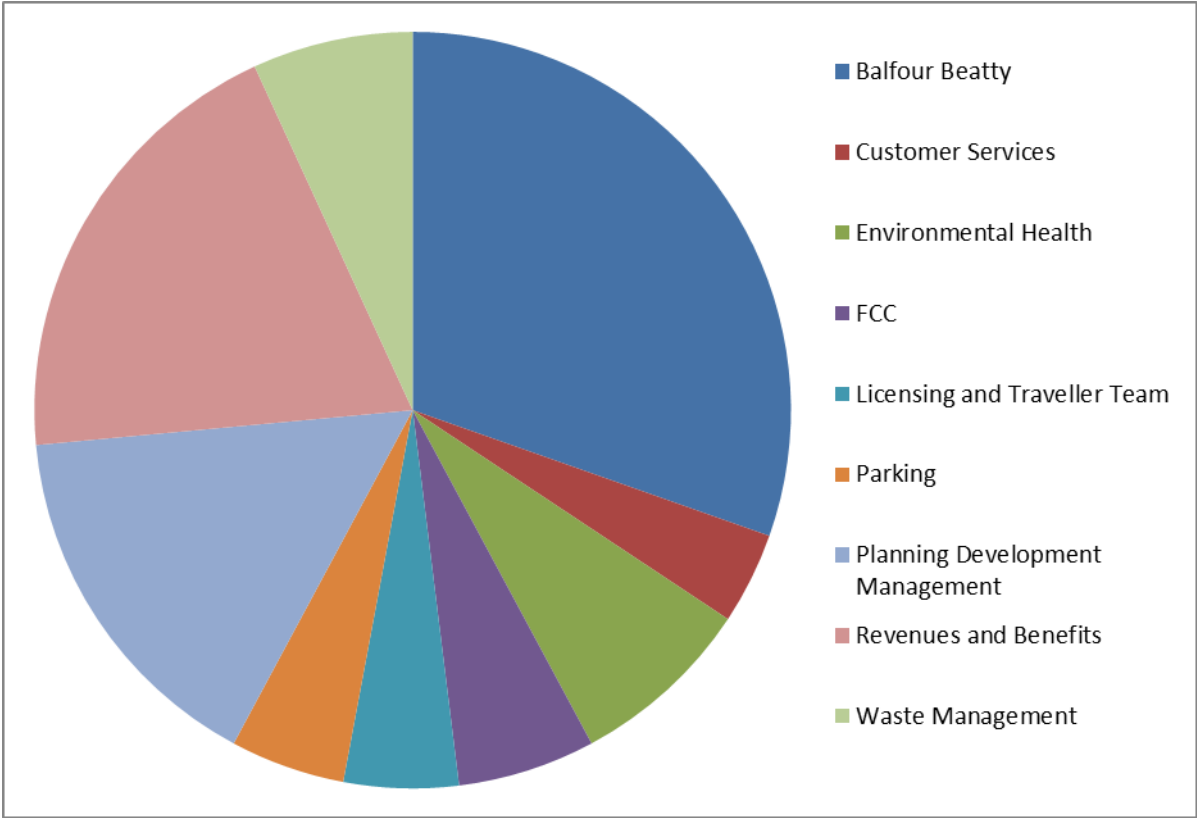


NB: There is a separate complaints team in children’s wellbeing for certain types of complaint to children’s social care; this graph reflects only complaints handled through the information access team.

Economy, communities and corporate



Within economy, communities and corporate, the breakdown of the highest volume of complaints over the same period by services is shown in the chart below:



Community impact

15 This report provides information about the council's performance in handling complaints and requests for information from members of the public.

Equality duty

16 There are no equality duty implications arising directly from this report, which is for information.

Financial implications

17 There are no financial implications arising directly from this report, which is for information.

Legal implications

18 There are no legal implications arising directly from this report, which is for information.

Risk management

- 19 Effective operational and governance processes mitigate the risk of non-compliance with information legislation and standards, and maintaining high standards of conduct mitigates risks to the reputation of the council.

Consultees

- 20 Not applicable

Appendices

None

Background papers

None identified.