

Assessment report



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Scottish public authority: West Lothian Council
Dates of on-site assessment: 27 and 28 July 2010
Assessors from OSIC: Jill Walker and Alistair Rennie
Date of publication: 22 October 2010

Appendix 1: Action plan for West Lothian Council

Recommendation	Action	Status	Due	Owner
1 That the Council takes steps to secure a significant improvement in the time it takes to respond to requests for information and requirements for review, ensuring that all staff who are required to respond to requests and carry out reviews are aware of and meet the relevant statutory timescales laid down in FOISA and the EIRs.	<ul style="list-style-type: none">Management target of responding to initial requests agreed at 15 working days	Completed [target agreed - see EMT Action Note of 22/9/10 – item 3]	1/10/10	Heads of Service
	<ul style="list-style-type: none">Management target of responding to requests for internal reviews agreed at 15 working days	Completed [target agreed -see EMT Action Note of 22/9/10 – item 3. Revised Procedure Note on processing internal reviews, agreed by IMWG on 3/2/11 – see Action Note - item 3(3)]	1/10/10	Chief Legal Officer
	<ul style="list-style-type: none">Alerts from Frontline at 15th day to be actioned promptly	On-going [see CMT Action Note of 23/2/11 – item 3(c) – Heads of Service to continue to monitor their services' performance in order to achieve CMT target of 85%.] Alerts issued from Frontline on 10, 5, 3, 2 and 1 day before the 20 day deadline.	1/10/10	Heads of Service/Chief Legal Officer



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	<ul style="list-style-type: none"> Monthly reports from Frontline on all open cases – with ability to filter at service level 	<p>Ongoing [IMWG Action Notes of 17/6/10 [item 2(1)(d)], 19/8/10 [item 3(1)] and 14/4/11. CMT Action Notes of 24/11/10 [item 3(c)]and 23/2/11 [item 3(c)].</p> <p>Monthly performance reports available from Frontline from August 2010 to 31/3/11 providing -</p> <ul style="list-style-type: none"> summary report showing Services' performance against the 20 day service standard A detailed list of the requests received each month from which the summary report has been created From March 2010 a year to date summary report A detailed list of the requests which make up the year to date summary report A monthly summary report showing the performance of all Council Services against the standard A year to date summary of the performance of all Council Services against the standard A monthly refusals summary report showing Housing and Building Services A year to date refusals summary for Housing and Building Services. <p>From April 2011, performance reports to</p>	1/10/10	<p>Heads of Service</p>



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		<p>be rebuilt following adjustments to Frontline, with priority to the key reports to be available for April 2010. Reports to be sent automatically from Frontline to ILOs and Heads of Service.</p> <p>Significant and consistent improvement made in performance regarding initial requests since Jan. 2010. Management target of 85% met in 2011 [see table of performance dated 22.4.11].</p> <p>Corresponding improvement regarding internal reviews not achieved. [see table of internal reviews dated 22.4.11]. Processing of internal reviews under review by Chief Executive.</p> <p>Emails from CRM Team of 6/10/10 and 4/4/11 listing all open cases outwith time. Action agreed at IMWG on 14/4/11 to contact applicants to resolve these cases.</p>		<p>Chief Solicitor</p>
<p>2 That the Council ensures that refusal notices comply fully with section 16 of FOISA or Regulation 13 of the EIRs (whichever is appropriate), ensuring in particular that where exemptions/exceptions are being relied upon for withholding information these are cited correctly and adequate explanations are given as to why they are considered to apply</p>	<ul style="list-style-type: none"> Standard refusal notice reviewed and accompanying general advice produced on use of exemptions/exceptions and examples given of their use Relevant staff instructed to use standard refusal notice or obtain advice from Legal Services 	<p>Completed [Standard refusal notices for FOI and EIR, plus accompanying Quick Guide agreed at IMWG on 14/4/11]</p> <p>Completed [Instructions issued following IMWG meeting of 14/4/11- see email from GB of 22/4/11]</p>	<p>1/10/10</p> <p>1/10/10</p>	<p>Chief Solicitor</p> <p>Heads of Service</p>



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<p>3 That requestors are provided in all refusal notices and notices that information is not held with details of their right to request a review and apply to the Commissioner, and that the Council employs a single style of standard text for this purpose.</p>	<ul style="list-style-type: none"> Standard refusal notice reviewed to ensure rights of internal review and appeal are provided Relevant staff instructed to use standard text on reviews and appeals 	<p>Completed [as for Recommendation 2]</p> <p>Completed [as for Recommendation 2]</p>	<p>1/10/10</p> <p>1/10/10</p>	<p>Chief Solicitor</p> <p>Heads of Service</p>
<p>4 That the Council provide refresher training to all relevant staff on the full functionality of the "Frontline" system.</p>	<ul style="list-style-type: none"> Refresher training for ILOs at the IMWG meeting on 21/10/10 All other relevant staff under council's new management structure identified for refresher training Programme of refresher training at service level for all relevant staff 	<p>Completed [see IMWG Action Note of 21/10/10.]</p> <p>Completed. [Instructions given to Heads of Service by CMT – see CMT Action Note of 23/2/11]</p> <p>Ongoing. [training on use of Frontline as amended to record FOI, EIR and DPA requests separately, given to ILOs in March 2011 – see RA email of 15/3/11. ILOs to cascade the training to relevant staff within their service areas. Any new ILOs to be trained to be accommodated by CRM Team on a one to one basis, as required.]</p>	<p>21/10/10</p> <p>31/10/10</p> <p>31/01/11</p>	<p>CRM Support Manager</p> <p>Heads of Service</p> <p>CRM Support Manager</p>



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<p>5 That the Council ensures that staff retain/record (as appropriate) all correspondence and other interactions relating to information requests on the “Frontline” system, and generally secures the retention there of complete records of the receipt, handling and processing of all requests.</p>	<ul style="list-style-type: none"> • Determine feasibility of storing essential correspondence on Frontline with linkages to other correspondence held on Meridio • If feasibility determined satisfactorily, essential correspondence, ie initial request and response, stored on Frontline, with linkages to other supporting information included in correspondence held on Meridio 	<p>Completed [see note by GB of 1/4/11]</p> <p>Completed regarding Frontline. Underway regarding Meridio. [linkages to Meridio still to be put in place. Meanwhile, associated documents to be stored on Frontline.]</p>	<p>31/11/10</p> <p>31/01/11</p>	<p>CRM Support Manager/</p> <p>Records Manager/</p> <p>Team Leader IT Development Team</p> <p>Heads of Service</p>
<p>6 That the Council ensures that there are arrangements in place within each service area to ensure that requests can be closed off on “Frontline” on the day the response is sent out.</p>	<ul style="list-style-type: none"> • Administration rights delegated to ILOs to adjust closure dates on Frontline, where necessary • Appropriate number of staff trained to ensure requests are closed off on Frontline on day of response • Investigate making certain fields on Frontline mandatory before closing a case, eg full or partial response 	<p>Completed [amendments made to Frontline to allow ILOs to adjust date of response to reflect actual date of response, thus allowing more accurate performance reports. Date of closure remains unalterable.</p> <p>Ongoing. [Heads of Service instructed by CMT on 23/2/11]</p> <p>Completed [amendments made to Frontline to achieve this]</p>	<p>31/01/11</p> <p>31/01/11</p> <p>31/01/11</p>	<p>CRM Support Manager</p> <p>Heads of Service</p> <p>CRM Support Manager</p>



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<p>7 That all correspondence and other interactions relating to a requirement for review are retained/recorded (as appropriate) in the "Frontline" system.</p>	<ul style="list-style-type: none"> If feasibility determined satisfactorily, essential correspondence, ie request for review and response, stored on Frontline, with linkages to other supporting information included in correspondence held on Meridio 	<p>Completed [Frontline amended to allow recording of internal reviews and appeals, and associated documents on Frontline, with effect from 1/4/11 – see email from RA confirming]</p>	<p>31/01/11</p>	<p>Chief Legal Officer</p>
<p>8 That the Council ensures that staff understand the circumstances in which a notice under section 17 of FOISA or regulation 10(4)(a) of the EIRs should be issued to a requestor.</p>	<ul style="list-style-type: none"> Use of section 17 and regulation 10 notices to be included in the general advice on the use of exemptions/exceptions to be produced under recommendation 2 	<p>Completed [Standard refusal notices for FOI and EIR, plus accompanying Quick Guide agreed at IMWG on 14/4/11]</p>	<p>31/01/11</p>	<p>Chief Solicitor</p>
<p>9 That the Council ensures that staff understand the circumstances in which a notice under section 25 of FOISA should be provided when responding to a request for information held in the Council's publication scheme.</p>	<ul style="list-style-type: none"> Use of section 25 notices to be included in the general advice on the use of exemptions/exceptions to be produced under recommendation 2 	<p>Completed. [Standard refusal notices for FOI and EIR, plus accompanying Quick Guide agreed at IMWG on 14/4/11]</p>	<p>31/01/11</p>	<p>Chief Solicitor</p>
<p>10 That the Council ensures that all relevant staff are provided with guidance on responding to requests where requestors have specific needs, taking account of the provisions of the section 60 Code of Practice relating to Equality Issues, and are made aware of the services and facilities the Council has available for meeting</p>	<ul style="list-style-type: none"> Suitable guidance included in the general advice on the use of exemptions/exceptions to be produced under recommendation 2 	<p>Completed. [amended Quick Guide containing the advice agreed at IMWG on 14/4/11]</p>	<p>31/01/11</p>	<p>Chief Solicitor</p>



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such needs.				
11 That the Council amends its “Quick Guide to Processing FOI and EIR requests”, in line with the recommendations detailed in the section of this report headed “Policies, procedures and other documentation”.	<ul style="list-style-type: none"> Quick Guide amended to reflect the recommendations in paragraphs 4.108 to 4.114 of OSIC’s Assessment Report. Quick Guide also to be amended to highlight differences between FOISA and DPA and the information falling under each regime. 	Completed [amended Quick Guide agreed at IMWG on 14/4/11]	31/01/11	Chief Legal Officer
12 That the Council makes the following change to its publication scheme: On page 28 under Section 11 in relation to charges for environmental information, change the sentence “Charges may be made for locating, retrieving and providing information to you” to read “Charges may be made for providing the information to you”.	<ul style="list-style-type: none"> Change to Publication Scheme made as part of current review and update of Scheme 	Completed. [amended, and updated Publication Scheme available on council’s web site at – http://www.westlothian.gov.uk/media/download/1799465/publicationscheme	31/01/11	Chief Legal Officer
13 That the Council ensures that any correspondence it issues in relation to requests for information contains the correct fax number for the Commissioner’s Office.	<ul style="list-style-type: none"> Standard pro forma correspondence on Frontline reviewed to show correct fax number, and services advised accordingly 	Check of standard pro formas completed – no fax number used. Instructions issued to Heads of Service to ensure that if the OSIC fax no. is to be given out, the correct no. [01334 464611] is used – see	31/01/11	Chief Legal Officer



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		GB email of 22/4/11		
<p>14 That the Council develops training and guidance material on FOISA and the EIRs, in particular on the application of exemptions/exceptions and the recognition of requests for environmental information and how these should be handled under the EIRs. Training on the EIRs should be provided to all parts of the Council. Comprehensive, in-depth, training on FOISA and the EIRs should also be provided to ILOs, Service Managers and staff within the CSC.</p>	<ul style="list-style-type: none"> • Guidance Note prepared on re-classifying information requests • Training for ILOs on re-classifying information requests on Frontline given at IMWG meeting on 21/10/11 • Guide on how to use Frontline setting out the minimum recording standard for logging requests • Guidance material prepared on identifying EIR and FOISA requests. General approach agreed by IMWG • Guidance material produced including examples, flow chart and links to OSIC guidance. <p>Guidance material to contain-</p> <p>The definition of environmental information contained in the EIRs,</p> <p>A summary of OSIC guidance,</p> <p>Links to that guidance for fuller explanation,</p>	<p>Completed [Guidance note issued by RA on 4/4/11]</p> <p>Completed [training repeated at sessions for ILOs in March 2011 – see RA email of 15/3/11]</p> <p>Completed. [Frontline Information Request User Guide issued and agreed at IMWG on 14/4/11]</p> <p>Completed [see IMWG Action Note of 21/10/10]</p> <p>Completed (except flow chart) [Standard refusal notices for FOI and EIR, plus accompanying Quick Guide and specific guidance on applying the EIRs agreed at IMWG on 14/4/11]</p> <p>Completed</p> <p>Completed</p> <p>Completed</p>	<p>16.12.10</p> <p>21/10/10</p> <p>1/04/11</p> <p>21/10/10</p> <p>1/1/11</p>	<p>CRM Support Manager</p> <p>Chief Legal Officer</p> <p>Chief Legal Officer</p> <p>Chief Legal Officer</p> <p>Chief Legal Officer</p>



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	<p>A database of examples of requests which should be processed under the EIRs, taken from examples highlighted in the council's Good Practice Assessment Report from OSIC and decision notices on OSIC's web site, and</p> <p>A flow chart showing the step by step process to be followed in processing information requests.</p> <ul style="list-style-type: none"> Simplified guidance produced for general awareness to - <ul style="list-style-type: none"> explain how to spot an information request that needs to be processed under either FOISA or EIR; and advise that any such request should be referred to the ILO of their service. Training programme for relevant staff delivered. EIR training plan to be delivered to <ul style="list-style-type: none"> ILO's Heads of Service Service Managers CSC 	<p>Completed</p> <p>Completed [amended Quick Guide agreed at IMWG ON 14/4/11]</p> <p>Underway [revised programme to be completed during May and June 2011]</p> <p>Underway [delivery of revised plan to be completed during May and June 2011 – see revised EIR and FOI Training and Guidance Action Plan.</p>	<p>16/12/10</p> <p>17/2/11</p> <p>28/2/11</p> <p>11/3/11</p> <p>11/3/11</p>	<p>Chief Legal Officer</p>



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	General Workforce		31/3/11	