



## STRATEGIC POLICING AND CRIME BOARD 5 November 2013

### WMP Freedom of Information Update

#### PURPOSE OF REPORT

1. To update Strategic Police and Crime Board Members of the issues facing West Midlands Police regarding Freedom of Information (FOI) requests

#### BACKGROUND

2. This report is to provide a formal update regarding the position with regards to the processing of Freedom of Information Requests by West Midlands Police following a verbal update on 16 July 2013 to members to the Board by the Chief Information Officer.

#### FREEDOM OF INFORMATION REQUESTS

3. The Freedom of Information Act (2000), commonly referred to as FOIA, is an Act of Parliament of the United Kingdom that creates a public "right of access" to information held by public authorities. It is the implementation of freedom of information legislation in the UK on a national level. The Act implements a manifesto commitment of the Labour Party in the 1997 general election. The full provisions of the act came into force on 1 January 2005.

#### FOI receipt and process:

4. In essence, the FOIA provides the public with the legal right to ask any public sector organisation for all the recorded information they have on effectively any subject. In effect, any individual or organisation can submit a request for information, there are no restrictions on age, nationality or location.
5. The current centralised FOI Unit within West Midlands Police was set up during 2009 as part of the Paragon Programme. Prior to that date individual Operational Command Units (OCU's) were responsible for the collation and responses of FOI requests. The number of staff posts created in the central team were, as would be expected, lower than

the total number on OCU's. The staffing levels were further reviewed as part of the Priority Based Budgeting (PBB) approach in 2012.

6. Whilst the majority of FOI requests are primarily received by the force via the FOI Unit email account (shared across FOI Unit team members), an FOI request can be actually be generated from any correspondence received by the force.
7. On receipt, requests are logged and checked for both validity and duplication (for example, if the same or a similar request has been made previously). The legislation permits to be declined on a limited number of grounds, including: if the "cost" to collate the information requested would exceed £450 (based on a defined hourly rate published centrally); if they are repeated request by the same person; or if they are vexatious.
8. The FOI Unit act as the entry point and process-management gatekeepers of FOI requests: if the information request requires specific area information (for example, staff-related or financial requests), the Unit must approach the appropriate force department for such information. Such requests are ideally kept to a minimum to minimise impact on operational activity.
9. The FOI Unit holds a regular review of the latest requests and the work is assigned to individuals based on capability and workload.
10. Requestors may be contacted to discuss the request; particularly if the request is unclear. Also, where something similar is more readily available then a compromise may be mutually agreed.
11. The FOI Unit collate, review, send and publish all FOI responses.

#### **Volume of FOI Requests:**

12. The volume of requests processed by the central FOI Unit of West Midlands Police:

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total	average month
<b>2009</b>	120	92	131	92	94	103	120	91	79	91	97	62	1172	98
<b>2010</b>	101	85	95	81	69	98	105	84	101	83	93	75	1070	89
<b>2011</b>	104	104	93	101	92	120	92	133	124	103	116	68	1250	104
<b>2012</b>	117	117	112	84	91	95	74	96	61	88	87	56	1078	90
<b>2013</b>	109	107	97	124	100	91	114	103	71				916	102

#### **Outstanding requests and associated action to resolve:**

13. As at 29th August 2013, the West Midlands Police had 525 overdue FOI requests. In the Command Team paper outlining this position, the options proposed to remedy the situation included:
  14. Write off entire backlog (an option acknowledged in the CRU review);
  15. Temporarily increase resource levels to complete all outstanding requests. In addition to the increase in FOI Unit staffing it was anticipated this would likely require additionality in operational units across the force who are instrumental in collecting the information;
  16. Identify a reasonable cut off period (proposed as 1<sup>st</sup> January 2013), after which all requests would be responded to; however prior to this date requests would be reviewed

in terms of currency and relevancy. This approach also necessitated a temporary team to respond to the outstanding requests, however was not expected to have the same consequential impact across the force.

This latter option (option 3) was endorsed by Command Team.

17. Corporate Communications were engaged in assisting the FOI team in developing an agreed risk assessment approach, and in applying it to assess requests made prior to 1<sup>st</sup> January 2013. In total, this equated to 231 requests.
18. Requests to be answered were added to the requests received between 1<sup>st</sup> January 2013 and 30<sup>th</sup> July 2013 (effectively a six month period). This equated to 225 requests.
19. In parallel, and compliant with all associated HR policies, four additional temporary posts were recruited for a four months period.
20. All requests received after 30<sup>th</sup> June would be answered by the permanent FOI Unit.
21. Given the current trajectory, all outstanding requests are expected to be completed by early January.

### **Primary reason behind the build-up of outstanding requests**

In essence, the increase has resulted from a combination of factors, including:

- Accelerated reduction in staff numbers;
- Increase in volume and significant increase in complexity of requests;
- Increased difficulty in obtaining the required information from other departments;
- Significant (25%) long term sickness.

### **Primary reason behind the build-up of outstanding requests**

22. It is acknowledged the additional staffing is for a temporary period. To prevent reoccurrence, a number of activities are planned.
23. Firstly, finalising the publication scheme and embracing the Government transparency agenda. By publishing information (redacted as necessary) on a regular basis allows requestors to be "sign posted" to the relevant information, as opposed to necessarily drafting a specific response.
24. In particular, working with departments with a considerable number of repetitive requests to compile an agreed, proactive publication schedule.
25. Similarly, utilising publication strategies to proactively manage 'news'-based requests.
26. Streamlining operational processes, and applying a more pragmatic approach to responses, in line with recommendations from CTU review (see next section).
27. A training and education programme, linked to the "Pride in our Police" initiative, has also been designed and is underway, with the aims of:

- Ensuring staff understand the obligations on the force;
- Increasing the understanding of information management within the force;
- Improving relationships in terms of departments and LPUs FOI contacts; and
- Aiming to restructure the permanent team to ensure grade consistency allowing all colleagues to equally partake equally in the workload;

28. This education programme is intended to be a repeated and regular theme, as opposed to a “one off” update.

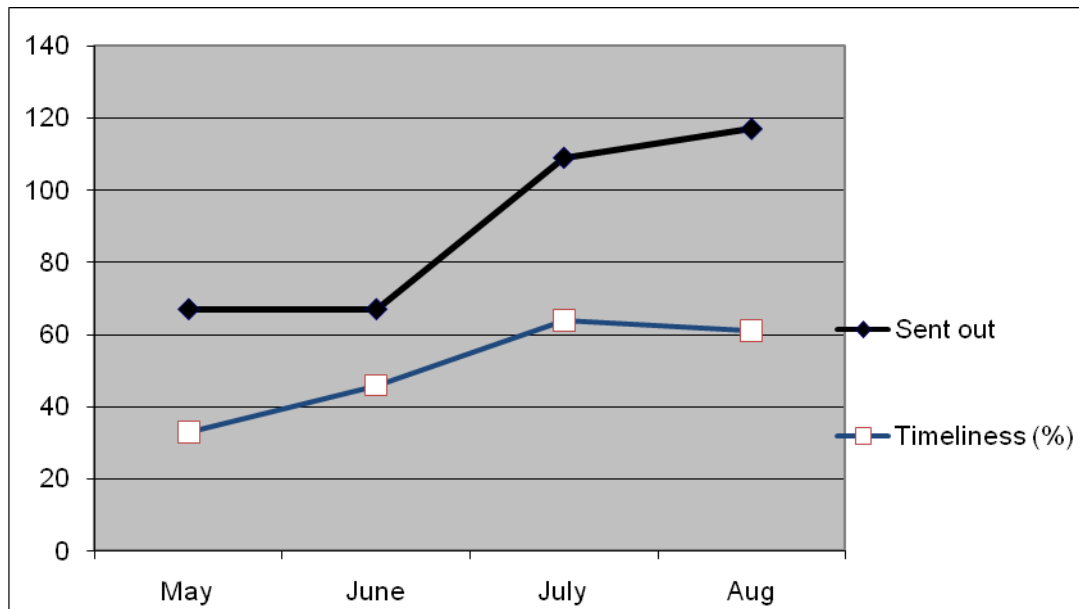
**ACPO Central Referral Team:**

29. In January 2013, at the request of the Information Management Department, the ACPO Central Referral Unit (CRU) were invited to review and comment on the FOI Unit within West Midlands Police. In particular, the team structure, governance and processes. A summary of their findings, along with the forces responses are included in Appendix A.

30. Whilst the CRU unit confirmed there is no national agreed “good practice” approach, a number of their recommendations have been adopted and have contributed to the improved timeliness of responses including:

- Change in consultation process
- Change in production process so that each member of the team manages a requests in totality (lean and ownership approach)
- Greater pragmatism applied – as necessary, contacting the requestor public to discuss their request and ensure clarity of outcome
- Improved internal review method

31. The increase in productivity as a result of introducing such processes improvements is demonstrated in the following graph:



32. Whilst improvements to date are encouraging, there is still room for further improvement. For example, from root cause analysis behind some of the delays, it is evident that

improved relationship and record keeping with departmental and LPU contacts will further improve the situation.

## **FINANCIAL IMPLICATIONS**

33. No specific additional costs have been incurred. The construct of the temporary team is:

- One restricted PC
- One restricted PCSO
- One member of staff on secondment from Information Management (Pay Scale Lower C Grade)
- One member of staff (from DBS) (Pay Scale Lower C Grade)
- One Agency staff (Pay Scale B grade)

## **LEGAL IMPLICATIONS**

The FOIA is an Act of Parliament that the force is obliged to comply with. The following extract from the ICO gives the detail of this requirement:

You may be breaching the Freedom of Information Act if you do any of the following:

- fail to respond adequately to a request for information;
- fail to adopt the model publication scheme, or do not publish the correct information; or
- deliberately destroy, hide or alter requested information to prevent it being released.

This last point is the only criminal offence in the Act that individuals and public authorities can be charged with.

Other breaches of the Act are unlawful but not criminal. The Information Commissioner's Office (ICO) cannot fine you if you fail to comply with the Act, nor can we require you to pay compensation to anyone for breaches of the Act. However, you should correct any mistakes as soon as you are aware of them.

## **EQUALITIES IMPLICATIONS**

FOI allows everyone to submit and get a response to a request. All requestors are treated equally.

West Midlands Police

Chief Information Officer, Chris Price.

## APPENDIX A - FOI CRU –Summary of Recommendations

Recommendation	Comments
<b>Cease activity on backlog</b>	This was considered too great a risk to the force. Instead a risk based approach to managing the backlog was agreed with command team which is documented in the main report and included approval for an additional four temporary colleagues.
<b>Obtain additional resources</b>	It was agreed that before a request for additional resources could be considered the existing processes should be streamlined and the results measured. It is now hoped that the new processes will support the new request levels. Additional <b>temporary</b> resources are in place.
<b>Change consultation process</b>	COMPLETED and working well
<b>Improve interaction with Corp Comms</b>	Ongoing
<b>FOI team take more risks</b>	This relates to internal team processes which have been reviewed and are working well.
<b>More systems access</b>	The FOI Unit felt this would not be helpful at this time and this has not been pursued.
<b>Purchase bespoke system to manage requests more quickly</b>	Business case was raised in February 2013 and is lodged with the PMO for action\approval
<b>More discussion on receipt of request</b>	COMPLETE – the new process
<b>Staff empowered for above</b>	COMPLETE - Significant team building work has been undertaken.
<b>FOI Manager to build relationships with journalists</b>	Corporate Comms assist with this.
<b>More involvement with Gold and Operations etc</b>	Process is being discussed and there is support in principle. However the majority of the work involved will not start until the backlog is cleared and the new processes are more firmly embedded.
<b>Ability to submit intelligence reports</b>	This is for any requests that provide intelligence to the force to be logged on the Intel system by FOI colleagues, this is important and a current seconded colleague who has existing, necessary skills is completing this work, but training for the permanent team will not be actioned until the other more essential improvements are in place.
<b>Establish formal points of contact</b>	Ongoing
<b>Clear delivery targets and objectives</b>	Ongoing
<b>Team performance targets</b>	COMPLETE
<b>Personal dev objectives</b>	Ongoing
<b>Divorce FOI from CRB</b>	COMPLETE
<b>Subject matter experts take responsibility for overall running of their disciplines</b>	COMPLETE
<b>Team move to Records management</b>	Not considered necessary as the FOI team already sit next to the records management team and there are no barriers to conversation or discussion. All are part of IM and further team building work will continue.
<b>Improve internal review method</b>	COMPLETE