



Audit and Standards Committee Report

Report of: Chief Operating Officer

Date: 19/10/2023

Subject: Information Commissioner's Office (ICO) FOI
Audit Report

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Summary: In May 2023, the ICO carried out a consensual audit of the Freedom of Information (FOI) practices at Sheffield City Council. This took place over two days in May 2023. Sheffield City Council received a set of recommendations from the ICO following the audit.

Recommendations: To note the audit update

Background Papers: None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO
Legal Implications
YES
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Cabinet Portfolio Member
Councillor Cate McDonald
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

REPORT TITLE: Information Commissioner’s Office (ICO) FOI Audit Report

1.0	INTRODUCTION
1.1	This report has been written to provide an overview of the Information Commissioner’s Office (ICO) consensual audit of the FOI practices at Sheffield City Council and to provide assurance around the recommendations given by the ICO, to ensure that we meet our legal obligations.
2.0	BACKGROUND
2.1	Following the publication of the Lowcock report, SCC agreed to a request from the Information Commissioner’s Office (ICO) for a consensual FOI audit to be undertaken. This took place over 2 days in May 2023.
2.2	An ICO FOI audit provides an assessment of the organisation of its FOI practices. It is a useful tool in supporting the organisation in both understanding and meeting its obligations under the Freedom of Information Act 2000 (FOIA).
2.3	An ICO audit looks at the controls the organisation has in place, its policies and procedures and provides recommendations.
2.4	An ICO audit is an opportunity for the organisation to get an independent view of its practices, and to provide focussed feedback. The ICO sees auditing as a constructive process with benefits for public authorities.
2.5	An ICO audit is beneficial to the organisation, as it provides the organisation with specialised expertise and knowledge and a robust set of actions to support its best practice.
3.0	THE AUDIT
3.1	The ICO contacted the organisation in April 2023 to ask if it was amenable to an audit focusing on its FOI practices.
3.2	The organisation agreed to the audit and in May 2023 the ICO spent two days conducting the FOI audit. Before this, there was some preparation work, in order to provide the auditor with as much information as possible ahead of their visit. This included policies and procedures.

3.3	Following completion of the audit, around 30 days later, the ICO provided a comprehensive report, along with an executive summary.
3.4	In July 2023 the ICO published the executive summary on its website.
4.0	THE RECOMMENDATIONS AND TIMELINES
4.1	The audit report focuses on risk and observations made by the auditor. The report gives its recommendations by priority (Appendix A).
4.2	The assurance ratings range from high assurance to very limited assurance.
5.0	OUR ASSURANCE RATING
5.1	The ICO gave an assurance rating of 'Reasonable' to the organisation.
5.2	The overall opinion is that there is a reasonable level of assurance that processes and procedures are in place to deliver FOI compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with the FOIA
5.3	There were 13 recommendations that the ICO made. These were broken down into priority recommendations. (See Appendix B).
5.4	The assurance rating was also broken down from high to very limited assurance. (See Appendix C).
6.0	AREAS FOR IMPROVEMENT
6.1	The ICO recognises that the organisation provides training to staff, however a recommendation is that training on FOI and information management is developed further so that all staff can easily locate and retrieve information to be included in responses.
6.2	The ICO has also recommended that those staff who handle FOI requests as part of their role, have further developed training to support their understanding of the exemptions and legislation.
6.3	The organisation should improve how it anticipates where a proposal or event may place demand on the organisation, and have procedures in place to respond proactively, to avoid future backlogs.
6.4	The organisation should proactively publish more information to help manage demand.

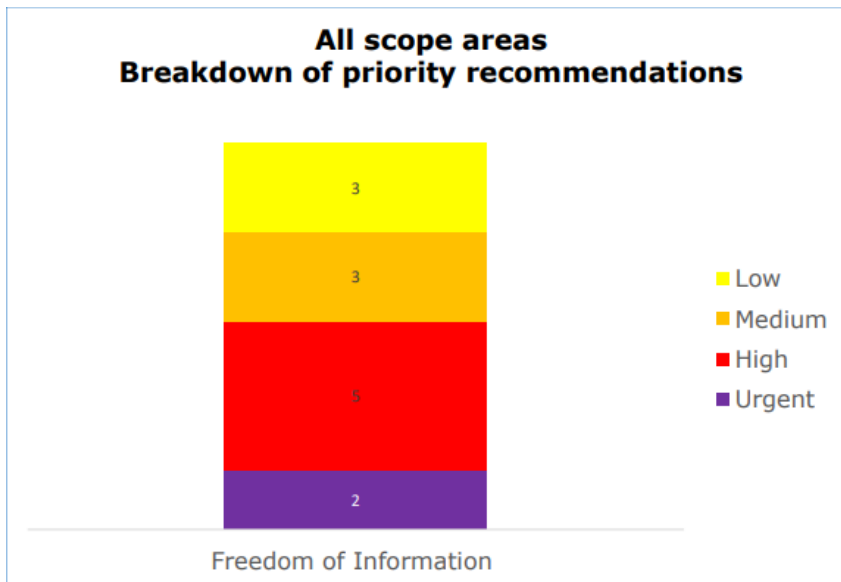
7.0	BEST PRACTICE
7.1	The ICO noted that the staff interviewed reflected the importance of FOI within its organisational values, 'openness and honesty are important to us'.
8.0	ICO RECOMMENDATIONS AND PRIORITY
8.1	SCC should carry out a review of service contacts to determine whether requests issued to service areas are being handled by the most appropriate personnel – Low Priority
8.2	SCC should review the staffing level of the IM Team - Urgent Priority
8.3	a) SCC must publish a schedule of fees if it is to continue charging fees for any information made available under its publication scheme, whether under the FOI or EIR. b) SCC should address any backlogs of information that it has committed to publishing proactively – High Priority
8.4	SCC should ensure that service areas have documented processes in place so that requests are handled consistently – Medium Priority
8.5	SCC should update its FOI procedures to account for hybrid FOI and data subject requests – Low Priority
8.6	SCC should continue with its work to identify a suitable casework management system and implement this as soon as possible – High Priority
8.7	SCC should introduce further, documented quality assurance measures to be applied to final responses issued by the IM Team – Low Priority
8.8	a) SCC should monitor service areas' compliance to the 10-day internal deadline. b) SCC should ensure that FOI is considered from the outset where new policy initiatives are to be introduced or where significant events can be anticipated. – Urgent Priority
8.9	SCC should revise its procedure for handling internal reviews so that there is greater assurance that outcomes are impartial. SCC should ensure that internal reviews are formally logged. – High Priority

8.10	SCC should revise the resources available to its IM Team covering the application of exemptions – High Priority
8.11	SCC should introduce a process for submissions to the Monitoring Officer for the purpose of applying Section 36 – Medium Priority
8.12	SCC should introduce separate, mandatory training for all staff covering FOI and information management. This should be refreshed every two years This should be monitored for completion by all staff – High Priority
8.13	SCC should provide additional training to service contacts to ensure that they are aware of their responsibilities and have the knowledge required to carry out their role effectively – Medium Priority
9.0	PROGRESS ON RECOMMENDATION ACTIONS
9.1	The timelines for implementing the recommendations range from autumn 2023 to summer 2024.
9.2	A number of recommendations have already been actioned, this includes the training programme for staff and identifying a case management system
9.3	SCC has commissioned PwC to support the review and to provide independent advice on implementing the recommendations in relation to process improvements and the sustainability of the service.
9.4	There has been an amendment to how the organisation monitors its FOIs by improving the visibility of each stage for tracking and responding.
9.5	There has been a new suite of learning and training resources made available to all staff.
9.6	Hybrid requests have been included in processes.
9.7	The process map for FOI has been significantly enhanced and reviewed and revised to identify areas for improvement and improved productivity.
9.8	A number of case management systems have been identified that will publish information requests automatically, to improve transparency.
9.9	The Council is currently reviewing an in-house solution for the tracking and monitoring of FOIs to support with compliance.

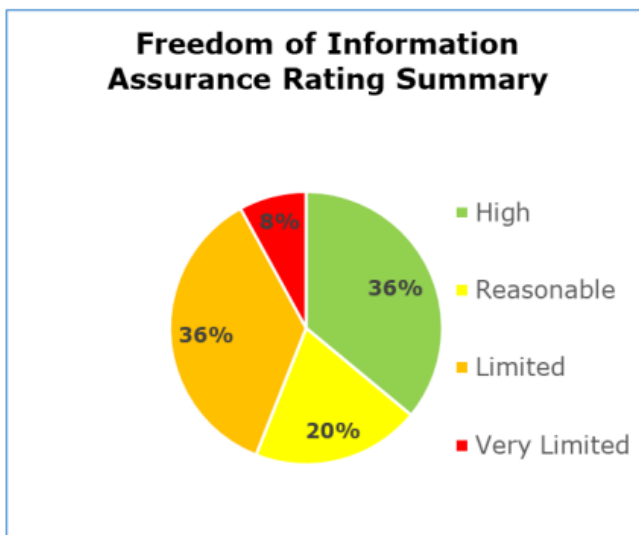
9.10	The Council, together with support from PwC, are reviewing the sustainability of the Service to ensure its size and technological support meets the demands placed on it.

Appendix A: Attached

Appendix B: Breakdown of Priority Areas



Appendix C: Assurance Rating Summary



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