

Assessment Report



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Scottish public authority: Highland Council
Dates of on-site assessment: 28 and 29 June 2011
Assessors from OSIC: Alistair Rennie and Claire Stephen
Date of issue: 29 September 2011

Appendix 1: Action plan for Highland Council

Recommendation	Action	Status	Due	Owner
1. That the Council reviews, develops and formalises its “devolved” structure with a view to enhancing the skills of the SICs and those members of staff who regularly handle FOI requests	Set up working group as per 3 below.	Pending approval	30/09/2011	MW
2. That the Council adopts a formal escalation process which can be engaged when staff responsible for the administration of requests are having difficulties getting timely responses from staff tasked with responding to requests. In doing this, the Council should also consider appropriate timescales for the chaser/reminder points it utilises as part of this process.	Report to Senior Management Team (SMT) Agree timescales and processes to trigger escalation Acceptance and support of Senior management	Not Started	31/10/2011	GF
3. That the Council sets up a formal FOI Working Group, initially to take forward the recommendations in this report and thereafter to be used as a training and awareness forum	Agree membership and remit with SMT and agree chair. Prepare action points from OSIC audit	Pending approval	30/09/2011	MW



Recommendation	Action	Status	Due	Owner
	report Prepare programme of training/topics for future meetings Monthly meetings during first 6 months to achieve action plan. Quarterly thereafter First meeting September 2011			
4. That the Council take steps to ensure there is adequate resilience in place to cover the role of the FOI Officer, and creates a pool of individuals from which a reviewing officer can be selected	Review cover and agree additional needs with Chief Executive Agree names of reviewers Train reviewers	Not Started	31/10/2011	MW / GF
5. That the Council provides training to its SICs and to those who respond to requests, to ensure that they can identify the difference between information which is not held and information which is held but in a different form or format from that in which it has been requested	To be covered in initial FOI Working Group meeting	Pending approval	30/09/2011	MW / CC
6. That the Council take into consideration the various localised processes that have been developed by its services, with a view to extracting the elements of best practice from each area before deciding on the best approach. That the Council, having done this, formalises the best practice identified into an updated procedures guide to supplement the guidance provided in the recently updated FOI Process Flowchart (which may itself require to be updated following this process), so that all services are following consistent	FOI Working Group to document Service processes Assess best practice and agree best approach (embed new escalation procedure). Modify Flowchart (if required) Present new process to Senior	Not started	31/12/2011	MW/SICs



Recommendation	Action	Status	Due	Owner
processes and procedures	Management Team for approval			
7. That the Council puts in place a formal procedure (which could form part of the revised procedures to be prepared in implementation of recommendation 6 above) relating to what information/correspondence should be retained on file in relation to the handling of a request. This should include guidance on retaining a record of the searches undertaken in response to a request, particularly where section 17 of FOISA is being relied upon	Include records in agreed procedures Amend flowchart to include required records	Not started	31/12/2011	MW / SICs
8. That the Council provides training/updates all staff on their responsibility to be able to identify a request for “environmental information”, including an overview of the relevant legislation to include what staff should do upon receipt of such a request	Update Intranet guidance All user email Include article in corporate newsletter Develop FOI/EIR content for online training	Not started	31/12/2011	MW / CC
9. That the Council reviews the content of its “standard text” to be included in a response to a request or request for review, to ensure that requestors are always informed of their statutory rights and to take into account the possibility of responding to a request/request for review under the terms of the EIRs. In consideration of this recommendation, the assessors would suggest that the Council considers the benefits of introducing a suite of standard letters, which may also help to ensure that refusal notices are issued in accordance with FOISA/EIRs	Standard texts already implemented Types of standard letters required to be agreed with FOI working group Templates to be available on intranet	Completed Not Started	31/12/2011	MW / SICs



Recommendation	Action	Status	Due	Owner
<p>10. That training on the application of exemptions under FOISA and exceptions under the EIRs is provided to all SICs and others who regularly respond to requests for information within each Service. This training should ensure that whenever the Council is withholding information, staff fully cite the exemption/exception it wishes to rely on, providing robust, request-specific reasons to support their application of that particular exemption/exception, together with (where applicable) consideration of and reasons for its conclusions in respect of the public interest test</p>	<p>Build exemptions training into FOI Working group</p> <p>Exemptions and public interest test included in online training development</p>	<p>Not Started</p>	<p>31/03/2011</p>	<p>MW / CC</p>
<p>11. That the Council formalise its current practice in relation to conducting reviews and implements the recommendations as detailed in paragraph 103 of this report. Staff should be updated accordingly, to ensure that they are aware of the revised procedures and guidance, with comprehensive training being provided to those who may be asked to carry out a review</p>	<p>Procedure documented and agreed</p> <p>Review pool identified in 4 above</p> <p>Training provided to review pool</p> <p>Briefing to all Directors</p>	<p>Not started</p>	<p>31/03/2011</p>	<p>MW / GF</p>
<p>12. That the Council reviews the content of its "Access to Information" pages, taking into consideration the recommendations contained in this report,+ to ensure that they are up-to-date</p>	<p>Review content</p> <p>Created updated / New content</p> <p>Add agreed templates</p> <p>Add new procedures / Flowcharts</p> <p>Communicate to all staff</p>	<p>Not Started</p>	<p>31/03/2011</p>	<p>MW / GF</p>

Initials: MW – Freedom of Information Officer; GF – Public Relations Manager; CC – Employee Development Manager;

SICs – Service Information Co-ordinators