

<b>Report to:</b>	SMT
<b>Report by:</b>	Claire Stephen, Acting Head of Policy and Information
<b>Meeting Date:</b>	29 March 2023
<b>Subject/ Title:</b> (and VC no)	Self-Assessment Toolkit assurance report (VC 184320)
<b>Attached Papers</b> (title and VC no)	none

## Purpose of report

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1. To provide assurance to the Senior Management Team (SMT) on the use and effectiveness of the Self-Assessment Toolkit for the period 01/01/22 to 31/12/22.

## Recommendation and actions

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2. I recommend that:
  - (i) SMT notes the contents of this report.
  - (ii) SMT agrees with the proposal to review self-assessment toolkits in 2023-24 operational plan.
  - (iii) the SMT agree the publication arrangements set out in the final paragraph of this report.

## Executive summary

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3. This report provides summary data about the use and effectiveness of the Scottish Information Commissioner's Self-Assessment Toolkits.
4. Due to the launch of our new website in April 2022, adjustments made to Google Analytics and the new structure of our website, we have limited data on use of the tool kits. Data is limited to the analytics related to page views.
5. Although data on use is limited, previous conclusions on the effectiveness of the toolkits remain unchanged and a full review of the toolkit model is proposed, resources allowing.

## Background

6. The Scottish Information Commissioner ('the Commissioner') has produced six modules of the Self-Assessment Toolkit:
  - (i) Module 1: Responding on time (published in October 2014)
  - (ii) Module 2: Searching for, locating and retrieving information (January 2015)
  - (iii) Module 3: Advice and assistance (June 2015)
  - (iv) Module 4: Publishing information (June 2017)
  - (v) Module 5: Conduct of reviews (December 2019)
  - (vi) Module 6: Monitoring and managing FOI performance (September 2020)

7. It is not anticipated that any further modules will be produced in the toolkit's current form. A planned internal review of modules 1 to 4, as well as the accompanying guidance and templates, took place in March 2021. As well as formatting and layout updates, this review resulted in the merging of two separate guidance documents into a single guide, 'How to carry out an FOI self-assessment', designed to streamline the process of using the toolkit.
8. The toolkit also formed part of discussion workshops about the support provided by the Commissioner's office, held during the Centre for FOI Practitioners' Conference in August 2021. This was the first stage of a wider review - intended to include stakeholder input - of the toolkit, which had been anticipated to be part of any website development work undertaken in 2021-22. Timescales for the phase 1 new website project were condensed however, and the self-assessment toolkits were not in scope. It is intended that a revised approach to self-assessment toolkits will be undertaken when (and if) a second phase of website work is undertaken.
9. FOI practitioners in Scottish public authorities are the target audience for the toolkit. The toolkit is regularly promoted through a range of channels, including: Twitter; the Open Update newsletter; our intervention activity; FOI network group meetings; engagement with new bodies subject to FOI law; and other conferences, meetings and events.
10. The Self-Assessment Toolkit approach has been influential in other jurisdictions. For example, the Policy and Information Team have advised and supported staff from the UK Information Commissioner's Office (ICO) in the development of their own toolkits. The first toolkit - on the subject of timeliness - was launched in 2020, and a second toolkit, focusing on the use of section 12 of the UK FOI Act, was published in February 2021 and we have recently assisted the ICO in the production of their toolkit looking at vexatious requests.

### **Use of the self-assessment tools**

11. The following limited data from Google Analytics (for the period of 7 April to 31 December 2022) provides an indication of general interest in the materials and the source of that interest. We can track the number of visits to related website pages, but system limitations mean that we are unable to track downloads of documents or interaction with resources from those pages.
12. The statistics below relate to the overall landing page for the self-assessment toolkits:
  - There were 423 page views
  - The bounce rate for the page was 36.99% (Bounce rate is the % of single page sessions where there is no interaction with the page)
  - Exit rate for page is 19.39% - this indicates how often the user exits the page once viewed.
  - 44% and 22% of the pageviews were acquired through Google and Bing search respectively. 19.9% of pageviews were acquired through a direct link e.g. Open Update or correspondence.
  - Vast majority of our users on this page accessed the toolkits using Microsoft Edge (52%) or Google Chrome (39%) – although not relevant to usage, it is important to note for future developments.

13. Statistics related to individual modules:

- Module 6 (Monitoring and Managing FOI performance) was our most visited page, with 30 sessions. However, the bounce rate for this page was 63.3%
- Module 2 (Searches) was our second most visited page, with 14 sessions and a bounce rate of 42%
- The remaining modules only received 18 sessions over the course of the year, with Module 4 (publishing information) receiving no new sessions.

Overall, visits to individual module pages was poor. Practitioners are our primary audience for the toolkits, but it's clear from the website data that the toolkits, in their current form, are rarely accessed.

### **Effectiveness of the toolkits**

14. The online Centre for FOI Practitioners' Conference in August 2021 included interactive discussions about current and potential future resources and support available to FOI staff from the Commissioner's office and elsewhere, which provided an opportunity for us to receive some feedback about the self-assessment toolkit.
15. In line with anecdotal evidence from interventions and FOI network groups cited in previous versions of this report, authorities that have used one or more of the toolkit modules have found them to be a useful resource which lead to positive change. This is reflected in interventions, where the requirement to carry out a self-assessment and produce and submit an action plan has been an important basis for subsequent FOI improvement work.
16. However, it's clear that many authorities do not have the time to devote to using them as a tool to monitor and improve their practice, and therefore rarely carry out a self-assessment voluntarily. Instead, it is usually only when we open an intervention that using the toolkit and producing an action plan becomes a priority for which capacity and resources are freed up.
17. In particular, the volume of guidance to be read, the repetition of information across modules and the format of the evidence grid - can lead to a perception of any module of the toolkit requiring significant time and attention to complete, and being difficult to work on remotely.
18. The streamlining of the toolkit guidance carried out as part of the internal review in 2020-21 has had limited success. A broader review, informed and guided by key stakeholder views, is required to determine the feasibility of simpler, more interactive web-based tools similar to those used by the ICO.
19. Nevertheless, the Self-Assessment Toolkit as a concept and a resource continues to play a valuable role in supporting the Commissioner's interventions and wider strategic aims to improve authority practice.

### **Proposed actions**

20. Gather further stakeholder feedback on use and effectiveness of existing toolkits and practitioner views (as primary audience) on what they would find most effective to assess and alter practice with their organisations.
21. Consider and scope a new delivery model for self-assessment toolkits. Discuss with web service provider the current capacity of our CMS to host interactive toolkits.

22. Consider using section 14 of FOISA as a pilot. Section 14 suggested for the following reasons:
- (i) more detailed guidance on section 14 was recommended in the PAPLs report
  - (ii) recently assisted ICO in the development of its section 14 toolkit, from which a number of learning points are common and transferrable.
  - (iii) Section 14 guidance currently under review by Enforcement in light of feedback from network groups

## **Risk impact**

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23. The Commissioner is the regulator of FOI in Scotland and has functions and duties to fulfil.
24. The toolkit, as a means of driving improvements in authority practice, is a mechanism used to ensure public authority compliance with FOI legislation and good practice, and supports mitigation of relevant strategic and operational risks.

## **Equalities impact**

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25. The format of the toolkit documents - PDF and Word, using tables - may present a potential impact in the context of the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 - particularly as all modules now fall within scope of those regulations by virtue of their publication date following the review in 2020-21.
26. No other specific equalities impact has been identified in relation to the toolkits. Equalities issues are addressed in individual modules as appropriate - for example, Module 3 includes a focus on providing advice and assistance to people who need additional support.

## **Privacy impact**

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27. There is no direct privacy impact arising from this report.

## **Resources impact**

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28. Self-Assessment Toolkit activity is delivered within existing planned resources. However, if the mode of delivery is altered, this may require resource to make the necessary changes.

## **Operational/ strategic plan impact**

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29. Delivery and maintenance of the toolkit contributes to achievement of the Commissioner's strategic and operational plans, particularly in relation to improving authority performance, including the following strategic objectives as set out in the Strategic Plan 2020-2024:
- (i) enable and support high standards of FOI policy and practice (Strategic Aim 2)
  - (ii) develop Scottish public sector culture and practice where the proactive disclosure of information is routine and valued (Strategic Aim 3)
  - (iii) influence and support the development and strengthening of Scottish FOI law and practice (Strategic Aim 4)

## **Records management impact (including any key documents actions)**

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30. No records management impacts arise from this report.

## **Consultation and Communication**

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31. This report will be published alongside the MSMTM minute.

## **Publication**

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32. I recommend that this committee report is **published in full**.