

<b>Report to:</b>	WSMTM
<b>Report by:</b>	Sarah Hutchison and Margaret Keyse
<b>Meeting Date:</b>	19 February 2019
<b>Subject/ Title:</b> (and VC no)	CR: Recruitment - Business Cases: FOIO(Enf) and FOIO (P&I) (VC113324)
<b>Attached Papers</b> (title and VC no)	None

## Purpose of report

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1. This is a joint report by the Head of Policy and Information and the Head of Enforcement. The purpose of the report is to seek SMT approval of the business case for the establishment of and recruitment to fill two posts:
  - (i) Freedom of Information Officer (Enforcement) (Grade 4)
  - (ii) Freedom of Information Officer (P&I) (Grade 4)

## Recommendation and actions

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2. It is recommended that:
  - (i) The Commissioner approves the recruitment of the above posts
  - (ii) The SMT approves the business cases and proposed grades of the posts
  - (iii) A recruitment action plan is prepared by Corporate Services Team with the aim of advertising the posts as soon as is practicable.
  - (iv) We recommend this report is published in full.

## Executive summary

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3. On 5 February, the QSMTM agreed to the recommendations in the report "Proposed Extension of FOI Registered Social Landlords – initial tranche of Scottish Government funding (VC112877). This report provides the requested business cases for the formal creation of two of the new core posts to manage the workload associated with designation of new bodies.
4. In December 2016, the Scottish Government issued a consultation on Extending Coverage of the Freedom of Information (Scotland) Act 2002 to Registered Social Landlords (RSLs). The Government subsequently announced its intention to designate RSLs via an Order under section 5 of FOISA.
5. The costs associated with the Order were set out in the Business and Regulatory Impact Assessment published with the Government's second consultation on the terms of the draft Order. The costs include those that would be borne by the Commissioner in relation to supporting the bodies to prepare for designation and, in the longer term, increased enquiry and appeal volumes.

6. In May 2018, the Commissioner confirmed to the Scottish Government (VC101012) the additional resources that his office would require for the increased workload associated with the section 5 order. These resources included the need to recruit two Freedom of Information Officers (Grade 4).
7. The number of new bodies covered by the section 5 Order is expected to exceed 160. This represents the largest single tranche of new bodies coming under jurisdiction at the same time since 2005.
8. As the Commissioner's letter of 12 April 2018 to the Scottish Government explains, the designation will place the following additional demands on his office:
  - (i) Preparing and training RSLs for the Order and developing a model publication scheme
  - (ii) Administrating, supporting, monitoring and intervening where required
  - (iii) An increased volume of appeals, interventions and enforcement action. The Commissioner provided a heavily caveated prediction of an increase in appeal caseload alone of 10%.

### **Business case for additional FOIO (P&I)**

9. An additional FOIO post is required to enable the Policy and Information Team to deliver training and other necessary support to RSLs in the implementation period, running up to commencement of the Order on 11 November.
10. Following commencement it is anticipated that the staffing resource will continue to be needed, particularly to support the Commissioner to work with RSLs to develop good practice in responding to requests, publishing information and providing advice and assistance to requesters.
11. The above increased workload cannot be met within the existing staffing resources of the P&I Team.
12. It is proposed that the post is Grade 4, consistent with other FOIO posts.

### **Business case for additional FOIO (Enforcement)**

13. An additional FOIO post is required in the Enforcement Team to assist with the investigation of the anticipated increase in appeals and need for interventions where practice is deficient.
14. In the shorter term the additional post will support the Commissioner to respond to increased enquiries as a result of the designation order and to release other staff from the Enforcement Team to deliver training to RSLs on the technical operation of FOI law.
15. The above increased workload cannot be met within the existing staffing resources of the Enforcement Team.
16. It is proposed that the post is Grade 4, consistent with other FOIO posts.

### **Risk impact**

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17. The risk of not recruiting the additional staff resource in time is captured by Risk 3 (resources) in the current Risk Register.

## **Equalities impact**

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18. Our recruitment procedure is compliant with the requirements of the Equality Act 2010.

## **Privacy impact**

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19. Our recruitment procedures provide that our process meets the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.

## **Resources impact**

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20. The QSMTM of 5 February approved the necessary resources for the posts (see VC 112877).

## **Operational/ strategic plan impact**

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21. Failure to recruit staff to the above post would adversely affect our ability to deliver Operational Plan commitments.

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

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22. None.

## **Consultation and Communication**

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23. There have been discussions on the recruitment to these posts as part of the Budget Bid submission to the SPCB and, more recently, with the SMT and the SIC.

## **Publication**

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24. We recommend that this committee report is published in full.