

Quality Assurance

Criteria and Procedures: Investigations



Contents

Quality Assurance	i
Glossary and abbreviations	i
Introduction	1
Quality Criteria	1
How are assessments carried out?	1
Records management	2
Monitoring	3
Review	3
Appendices	4
QA Substantive cases	4
QA Failure to respond cases	7
Document control sheet	9

Glossary and abbreviations

Term used	Explanation
DHOE	Deputy Head of Enforcement
FOI	Freedom of Information (Scotland) Act 2012 and the Environmental Information (Scotland) Regulations 2004
FTE	Full time equivalent
FTR	Failure to respond
HOE	Head of Enforcement
Officer	Freedom of Information Officers (Enforcement) and Validation/FTR Officer
VC	Virtual Cabinet

Cross-referenced VC documents

VC No	VC name
VC 60483	This document
VC 59032	FORM QA Substantive
VC45751	FORM QA Failure to Respond
VC53982	2015 Issues Log (Multi-subject)
VC44845	C2 Investigations Handbook v01 CURRENT ISSUE

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Introduction

1. The Scottish Information Commissioner (the Commissioner) recognises the importance of good performance and quality in the delivery of her statutory duties and responsibilities. The service delivered must be to a defined standard which meets the needs of and, where practicable, the expectations of the public authorities which are subject to FOI and people in Scotland seeking information.
2. The Commissioner carries out quality assurance in relation to the quality of investigations work. The purpose of the quality assurance is to:
 - (i) help us achieve greater consistency across the Enforcement Team
 - (ii) ensure that investigations procedures are being followed
 - (iii) identify and evidence good practice that we can share and learn from
 - (iv) assess the effectiveness of policy and procedures
 - (v) reduce the risk of appeal as a result of procedural mistakes or oversights
 - (vi) inform line managers about individual performance and, if there are learning or development needs, to help us better support officers
3. The purpose of quality assurance is not to consider whether the correct decision was made.

Quality Criteria

4. Investigations are assessed against a number of set criteria, depending on whether the case was a substantive or failure to respond (FTR) application.
5. The Appendix sets out the criteria which are used to assess the quality of an investigation. Each criterion refers to a particular procedure which gives additional background about what is expected during an investigation.

How are assessments carried out?

6. At the end of each month, the Head of Enforcement (HOE) selects a minimum of five cases closed during that month (whether during the investigation or with decision). The cases, as far as possible, are selected at random, with the following provisos:
 - (i) any cases over 12 months old as at the date of closure are assessed
 - (ii) the numbers of cases assessed per FTE officer are roughly the same throughout the year
 - (iii) the number of cases assessed for each officer are, as far as possible, spread evenly throughout the year.
7. The cases are allocated to the HOE and the Deputy Heads of Enforcement (DHOEs) to assess.
8. As far as possible, the assessor will not have had direct involvement with the case being assessed.

9. The assessors complete the relevant form, depending on whether the investigation involved a substantive or FTR application. (The forms in the Appendix have an additional column highlighting the relevant paragraph of the Investigations Handbook, etc., which the quality criterion relates to.)
10. Assessments are carried out in line with the requirements of the Investigations Handbook, etc. For example, one of the matters to be considered is to what extent the triage note was prepared in line with procedures. In considering whether procedures were followed, assessors must refer to the guidance in the Handbook.
11. It is very important that assessments are carried out carefully and objectively. Assessors should highlight areas of good practice, so that we can all learn from them, not just practices which do not comply with the Handbook. Where an assessor is of the view that a particular criterion has not been met, they will, wherever possible, suggest ways in which the work could have been improved.
12. Assessors carry out the assessment and complete the relevant form by the end of the calendar month. The form is emailed to the officer's line manager, who will then discuss the assessment with the officer. For reasons of privacy (every officer's inbox can be read by at least one other officer), the DHOE will give the form to the officer in a sealed envelope or will hand the form to them in person. Forms must not be emailed to the officer.
13. Both the officer and the line manager have five working days to comment on the assessor's report (this timescale can be increased in the event of annual leave, etc.). This may be done verbally. Having received these comments, the assessor will have the opportunity of amending the report or of noting that the line manager and/or officer has/have commented on the report, but that the assessor believes the report should remain as it is. The assessor must date and sign the completed form.

Records management

14. The forms have been saved in Virtual Cabinet:
 - QA Substantive (VC59032)
 - QA Failure to Respond (VC45751)
15. Because the assessors will not usually be the officer's direct line manager (meaning the assessor will not have access to the officer's personal folder in VC), the forms must be saved temporarily on the assessor's desktop, rather than in VC. When the assessor has completed the form, they will email the form as an attachment to the officer's DHOE.
16. When the form has been finalised and signed (see 13. above), the form must be given to the HOE. At that point, the assessor must delete the form from their desktop.
17. The HOE will scan the forms and save the scanned forms in the relevant officer's personal folder in VC. The naming convention for the forms is as follows:
 - [Date] [Assessor/officer] [Name of form] [WorkPro reference]so, for example:
 - 2014 10 01 EM/GW QA Substantive 201400099

18. The HOE will retain the hard copies in a locked drawer to assist her with preparing a report to the QSMTM (see paragraph 20. below).
19. The HOE will also update the checklist in VC49737 to record when the form has been completed and has been saved in VC.

Monitoring

20. It is the responsibility of the HOE to ensure that assessments are being carried out in line with the timescales and processes set down in these procedures.
21. The HOE reports to the Quarterly Senior Management Team twice a year on the outcomes of the assessments carried out. The report is anonymous, but highlights particular areas of good practice or of concern.
22. The HOE's report is also shared with the Enforcement Team.
23. Line managers and officers will take account of the assessments as part of the Performance and Development Framework.

Review

24. An issues log has been set up for these procedures. See VC53982.
25. These procedures will be reviewed in line with the Key Documents Register.

Appendices

QA Substantive cases

WorkPro reference:		Assessor:	
Applicant:		IO:	
Public authority:		Line manager:	

Investigation and good practice		Met? Yes/no/not applicable	Comments	Handbook reference: paragraph
1	Is there evidence that informal resolution has been considered/attempted?			8,109
2	Was the triage note prepared in line with procedures?			200-209
3	In line with natural justice (and taking account of s45 of FOISA), were appropriate additional comments sought from parties during the investigation?			8, 169-174
4	Is there evidence of submissions from public authorities being challenged, where appropriate?			146-147
5	Have delays in the investigation been accounted for?			8
6	Does the decision notice/covering letters comment appropriately on practice?			Operational Plan 17/18: VC85395
7	Did the DRU submission accurately reflect good practice/lessons to be learned?			Operational Plan 17/18: VC85395
Quality of communications		Met? Yes/no/not applicable	Comments	Handbook reference: paragraph
8	Was the applicant kept up to date with what was happening with the investigation?			175
9	Is there evidence of appropriate telephone contact with parties?			147,164,181
10	Does the SL09 accurately reflect the scope of the investigation?			133-134
11	Are the questions posed in the SL08 clear, proportionate and coherent?			154
12	Were the communications with parties professional and courteous?			Performance and Quality Framework 2017/18 (VC85969): 4(i)

13	Have statutory provisions been accurately quoted?			8
Records Management		Met? Yes/no/not applicable	Comments	Handbook reference: paragraph
14	Does the WorkPro file contain copies of all relevant correspondence?			210
15	Are all of the documents in WorkPro easily identifiable from their name?			225
16	Is there evidence of emails having been added to WorkPro timeously?			210
17	Is any withheld information in the file clearly marked in WorkPro to allow deletion by ETSA?			257
18	Has the non-compliance section In WorkPro been appropriately completed?			Intervention Procedure: VC85099
19	Has the WorkPro form for the decisions database been accurately completed (this includes ensuring the correct statutory provisions are used)?			254
20	Does the hard copy file contain appropriately marked-up copies of key correspondence (validation, SL8, submissions)?			225
21	Have the sub-divisions of the hard copy file/WP file been used appropriately?			31
22	Has the decision notice been named properly in VC?			252
23	Has the draft decision notice been deleted from VC?			File Plan and Retention Schedule: VC72711
Visual identity		Met? Yes/no/not applicable	Comments	Handbook reference: paragraph
24	Has VI guidance been followed in relation to spelling, grammar and equalities approach to writing?			Visual identity, style and formatting guide: VC78433
25	Has VI guidance been followed in relation to layout and use of headings?			Visual identity, style and formatting guide: VC78433
26	Has VI guidance been followed in relation to the use of numbered and bulleted lists?			Visual identity, style and formatting guide: VC78433

Other comments from assessor (if any)	
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Comments from IO or line manager (if any)	
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Signed by assessor

Date

QA Failure to respond cases

WorkPro reference:		Assessor:	
Applicant:		Officer:	
Public authority:		Line manager:	

	Failure to respond	Met? Yes/no/not applicable	Comments	Handbook reference: paragraph
1	Were the communications with parties professional and courteous?			Performance and Quality Framework 2017/18 (VC85969): 4(i)
2	Was the VI style and formatting guide followed appropriately, particularly in relation to equalities, layout, spelling and grammar?			8; Visual identity, style and formatting guide: VC78433
3	Does the WorkPro case file contain copies of all relevant correspondence?			210
4	Are all of the documents in WorkPro easily identifiable from their name?			225
5	Has the decision notice been named properly in VC?			252
6	Has the draft decision notice been deleted from INVU?			File Plan and Retention Schedule: VC72711
7	How well did the DRU submission accurately reflect good practice/lessons to be learned?			Operational Plan 17/18: VC85395
8	Has the non-compliance section in WorkPro been appropriately completed?			Intervention Procedure: VC85099
9	If no decision was issued, was informal resolution appropriate?			105
10	Have the sub-divisions of the WP file been used appropriately?			31

Other comments from assessor (if any)	
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Comments from officer or line manager (if any)	
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Signed by assessor

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