

Police & Crime Panel Report

18 July 2019

FOI requests: Six-month update OPFCC correspondence handling

Background

This report provides a six-month update in respect of the handling and processing of correspondence to the Office of Police, Fire and Crime Commissioner (OPFCC), and also to Freedom of Information (FOI) requests, an issue previously discussed at the Police, Fire & Crime Panel (PFCCP) following the submission of report there in January 2019, which looked at:

- a) the audit undertaken in the OPFCC of correspondence handling and resulting changes/improvements; and,
- b) performance data around FOI requests dealt with and compliance, action planning for Civil Disclosure Unit (CDU) and possible proposals under Evolve.

In relation to the rationale for a) this had in part been taken due to complaints received by Panel about lack of response to correspondence and seeing reassurance from the PFCC. These were still being received around the time the report was taken.

It was therefore agreed that an update would be brought back within six months and further that the impact of the new complaints team will need to be reported in when recruited and embedded.

In relation to b) the Panel had significant concerns regarding compliance rates, along with the potential reputational issue for the PFCC of FOIs addressed to her being dealt with by CDU and not being concluded in a timely way. The PFCC acknowledged that she would consider this further and advised that improvements to this area of work could fall under the Transformation 2020 Programme. It was agreed, therefore, that a six-month report would be brought. Following the completion of Stage 2 transfer in April 2019, Civil Disclosure now sits under the Chief Constable and reports to the Information Assurance Board chaired by the Deputy Chief Constable.

Focus of this report

The focus of this report, as requested by the PFCCP, who are seeking reassurance that there continues to be resilience around correspondence handling since an audit was undertaken last year, was that OPFCC provide an update report to cover the following key points:

- a) FOIs – an update to the reporting template and appendix provided on 15th Jan 2019, outlining compliance for OPFCC/CDU, action plan updates; and,
- b) Correspondence handling – any further issues encountered around lack of response to correspondence, and any further changes/improvements made to this function, including, for

example, changes resulting from T2020 for example, and an update about the new complaints function in the OPFCC.

FOI requests

Compliance statistics

The table below details the compliance figures that have been achieved since the original report in Jan 2019:

Table 1: PFCC and NYP FOI Compliance Rates

	PFCC	North Yorkshire Police (NYP)
Jan 2019	48%	45%
Feb	47%	41%
Mar	43%	39%
Apr	Not available as the first month of the financial year figures start at 100%	
May	25%	18%
Jun	20%	27%

Only one Subject Access Request (SAR) has been made to the OPFCC and was completed in time.

For completeness, the NYP SAR compliance figures since January 2019 are show in the table below:

Table 2: NYP SAR Compliance Rates

January 19	74%
February	74%
March	76%
April	60%
May	55%

Improvement Action Plan

The Commissioner notes that following the completion of the CDU's previous action plan following assistance from the Central Referral Unit in 2016, compliance rates improved significantly reaching 80% compliance by May 2018.

However, the CDU acknowledges that the position set out in January 2019 has continued to decline, due to consistently increasing demand from two or three SARs per month, prior to GDPR coming into force, up to around 20 to 30 per month.

Following the completion of Stage 2 transfer, in April the Information Assurance Board requested that CDU submit a report outlining their challenges, to include benchmarking with other forces, updating the Board on progress against an Internal Audit report of October 2018, and setting out their proposed action plan.

The CDU have recently submitted this report to the NYP Senior Information Risk Owner (SIRO) and OPFCC Chief executive Monitoring Officer (CEMO) and it is currently under consideration.

The report notes that the CDU has a very competent and experienced team, who are all working extremely hard to maintain and improve compliance with the statutory requirements, as best they can, given the huge increase in demand across all areas of work they cover.

The report sets out benchmarking that shows that the compliance situation in North Yorkshire is not unique, with other Police Forces experiencing backlogs and low compliance issues, as detailed in the report to the Panel in January.

The report sets out the following recommendations, which incorporate and will complete the recommendations of the Internal Audit, which are each covered separately below.

- Governance and corporate structure
- Process review
- Staff resources

Other background issues covered in the January 2019 report to Panel remain the same with the addition that since the January Panel, it has been mooted that the OPFCC are considering taking charge of responding to their own FOIs and SARs, a situation in place in other police and crime commissioner offices. This is still being explored in terms of resourcing, training needs, process engineering, responsibility for carrying out internal reviews, and potential timelines, and for this reason, a decision has not yet been taken on whether this will progress.

Governance and corporate structure

The CDU will now report to the Information Assurance Board, chaired by the Deputy Chief Constable, that in turn reports to the Commissioner's Executive Board. Further to this, once the current compliance and backlog issues are addressed, a review of the most appropriate way to achieve consistent compliance will be undertaken.

Process Review

Following the completion of the previous action plan, processes have been significantly improved. A recent Internal Audit report sets out recommendations that current processes within CDU should be further refined to re-engineer processes which continue to be inefficient or ineffective to optimise staffing resources.

The CDU are also reviewing how the organisation might be able to more proactively publish data to reduce FOI demand.

The CDU has also proposed a self-referral to the Information Commissioner's Officer (ICO), having heard of the benefits of doing so by other forces in the same position, and also having benefitted from Central Referral Unit (CRU) advice and assistance for the previous Action Plan in May 2016, which assisted at that time, though such an action should only follow exploration and potential modification to the existing processes within CDU.

Staffing

Since October there has been an organisation-wide recruitment moratorium while the T2020 programme was finalised and implemented. Following the end of this in April, a new 0.5 FTE Legal Officer started on 23 April 19 (a temporary fixed term contract until 31 March 2020) and a 0.5 FTE Civil Disclosure Assistant (permanent) will start on 9 Sep 19. Prior to their recruitment, these posts had been vacant since October 2018, when a very experienced member of the team had retired. It should be noted that these new members of the team will need to be given

organisational familiarisation and training, and that these factors are likely to have an effect upon compliance figures.

CDU's report sets out that CDU do not currently have adequate resourcing to meet the current demand and to recover from a substantial backlog request and recommends additions to the current CDU establishment for both permanent and temporary posts. The Internal Audit report also supports an uplift in staff once processes have been improved. This recommendation is being considered and in principle will be progressed in line with the above action points.

Continuing Scrutiny

The Commissioner continues to scrutinise performance through her public and transparent scrutiny processes and through the governance structure now in place that is detailed above.

Correspondence Handling

An update was previously provided to the panel that described the Commissioner's commitment to responding to, and improving outcomes for, the public. It also described how this commitment was supported by dedicated staffing resources through the full-time caseworker, who handles the majority of correspondence in the OPFCC, as well as policy and scrutiny officers whose work is also focused on examining system improvements that can be achieved to deliver better services to the public.

Recording and acknowledging of correspondence is the responsibility of a new administrative role, which sets a firm foundation of efficiency and effectiveness for correspondence handling, and which enables responses to be assembled and tracked. There is a single work platform onto which correspondence is recorded, which assists the process, and to which a performance management process is linked. This system allows casework to be better monitored and managed, as well as automating some parts of the casework process, and includes features such as flags and prompts, which further support the correspondence work of the office.

We are aware of a single item for which a response is being developed, and which has taken longer than anticipated to respond to, but which has been acknowledged. This was sent by a citizen journalist, who sends a very high level of correspondence to the OPFCC, at the same time that this person had also submitted a complaint on the same issues to the Police, Fire & Crime Panel. There has been a delay in responding to this separate correspondence, as there was confusion on the route which should then be taken to respond to this person. The person has continued to send correspondence on the same issue to the office, which is duly acknowledged each time it is received, but which nevertheless adds to the administrative tasks of the office.

The delay in the response to this individual should be considered, however, against a much more positive, broader picture of correspondence responses that are assembled and despatched every week from the OPFCC. Over 100 pieces of correspondence a month across all forms of media – letter, email, social media, telephone and in person, continue to be received and responded to each month, using a range of responses, with some being able to be resolved almost immediately, and others potentially involving extensive liaison with the police and/or other partners. Some cases are extremely complex and can continue for years and resolving enquiries and complaints can be challenging and take many weeks, seeking the correct and full information that is required by the member of the public.

The policies, processes and software changes outlined above are now well embedded in the OPFCC and correspondence is being well managed. Challenges remain, for example when key staff are on leave or unable to work due to sickness, but this is a feature of a small and busy office.

There have been occasional concerns raised by correspondents regarding delays in receiving a formal response from the PFCC, but this has been exclusively down to complexities of the case or delays in receiving information from outside the OPFCC, rather than failure in process within the office. As stated in the previous report, this is an inevitability given the scale and nuance of the correspondence received, but the team nevertheless try to keep those delays to a minimum.

The last report to the Panel also touched on potential changes in the future regarding complaints and correspondence. The processes and resources of the OPFCC were reviewed as part of the T2020 work, alongside the introduction of the new dedicated complaints and recognition team. As a result of the review, which concluded in May 2019, the new complaints and recognition team will now pick up most of the correspondence directed at the PFCC, and the team will include supplementary resource, including a team leader as well as four dedicated complaints caseworkers. This means that the casework processes will change again, though the current database will continue to be used.

The team is still being planned with recruitment to begin this summer. The Panel will be kept up to date as these plans progress.