

Report to:	SMT
Report by:	Claire Stephen, Head of Policy and Information
Meeting Date:	6 September 2024
Subject/ Title: (and VC no)	Self-Assessment Toolkit assurance report (VC213870) (deferred from Q4)
Attached Papers (title and VC no)	none

Purpose of report

1. To provide assurance to the Senior Management Team (SMT) on the use and effectiveness of the Self-Assessment Toolkit for the period 01/04/2023 to 31/03/2024.

Recommendation and actions

2. I recommend that:
 - (i) SMT notes the contents of this report.
 - (ii) SMT notes that the proposal to review self-assessment toolkits in 2023-24 delivery method be deferred to 2024-25. Deferral due to resource restrictions.
 - (iii) the SMT agree the publication arrangements set out in the final paragraph of this report.

Executive summary

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 no longer have the granular data used to report on the use of the toolkits that we had in previous years.
5. Although data on use is limited, previous conclusions on the effectiveness of the toolkits remain unchanged and a full review of the toolkit structure 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. 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.
9. 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

10. We no longer collect or hold information about public authorities' use of the toolkit.
11. We propose that future iterations of the self-assessment toolkits (fully anonymised through GA4) allow for data on use to be gathered alongside user feedback, to optimise their effectiveness.

Other analytics

Effectiveness of the toolkits

12. 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.
13. 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.
14. 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.
15. 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.
16. The streamlining of the toolkit guidance carried out as part of the internal review in 2020-21 may help towards overcoming this, but in a broader review is required to determine the feasibility of simpler, more interactive web-based tools similar to those used by the ICO.

17. 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.

Current actions

18. To consider developing a new model for self-assessment toolkits using section 14 of FOISA as a pilot. Section would appear to be a suitable option for the following reasons:
- (i) We regularly receive request for more detailed guidance on this section (a recommendation arising from PAPLS report)
 - (ii) We've recently assisted ICO in the development of its section 14 toolkit, from which a number of learning points are transferrable.
 - (iii) Enforcement are currently reviewing the section 14 guidance in light of feedback from network groups

Risk impact

19. The Commissioner is the regulator of FOI in Scotland and has functions and duties to fulfil.
20. 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

21. The format of the toolkit documents - PDF and Word, using tables - may present a potential accessibility issue 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
22. Issues in general relating to PDFs and other documents created after 23 September 2018 hosted on the Commissioner's website is noted in the [accessibility statement](#). As noted in the statement, we are working to establish how our processes can change in future to address this and will also ensure information is available by other means wherever possible.
23. 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

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

Resources impact

25. Self-Assessment Toolkit activity is delivered within existing planned resources.

Operational/ strategic plan impact

26. 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)

27. No records management impacts arise from this report.

Consultation and Communication

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

Publication

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