



Report of the Director of Corporate Services

Governance and Audit Committee – 15 June 2022

Response to the FOI Audit 2022

Purpose:	To provide a response to the recent audit of Freedom of Information (FOI) requests, Environmental Information Regulations (EIR) and Subject Access Requests (SAR).
Policy Framework:	Freedom of Information Policy
Consultation:	Access to Services, Finance, Legal.
Report Author:	Kim Collis
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar
For Information	

1. Introduction

- 1.1 As a result of an internal audit undertaken in the first half of 2022 of how the Council responds to FOI and other statutory information requests from the public an assurance level of 'Moderate' was given.
- 1.2 While responsibility for the outcome of the audit rests with the whole Council, as represented by Corporate Management and Leadership Teams, the Council's Data Protection Officer (DPO) and Senior Information Risk Owner (SIRO) agreed to take responsibility for the action plan arising out of the audit and consult as necessary with the two bodies.
- 1.3 Completed actions from the action plan are appended, along with progress towards completion of other required actions.

2. Integrated Impact Assessment (IIA) Implications

2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

2.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

2.2 An IIA screening has been undertaken which confirms there are no equality implications associated with this report nor, since it addresses risk of non-compliance with other legislation, any failure to engage with the Equality Act 2010 (Public Sector Equality Duty and the socio-economic duty), the Wellbeing of Future Generations (Wales) Act 2015, and the Welsh Language (Wales) Measure 2011.

3. Financial Implications

3.1 There are no financial implications associated with this report other than those listed in Appendix A.

4. Legal implications

4.1 There are no legal implications associated with this report other than those listed in Appendix A.

Background Papers: None

Appendices:

Appendix A Action Plan

Appendix B IIA screening form

**SWANSEA COUNCIL
MANAGEMENT ACTION PLAN
FOI, SAR & EIR Review 2021/22**

NB Low risk items are shaded

REPORT REF	RECOMMENDATION	CLASS (HR; MR; LR; GP)	AGREED ACTION/ COMMENTS	RESPONSIBILITY FOR IMPLEMENTATION	Action already undertaken
2.1.3 b) 2.1.7 b) 2.2.2 c) 2.3.3 e)	Reponses to FOI, SAR & EIR requests and any requests for review should be made within the statutory 20 day period, and where extra time is required this should not exceed the further 20 days permitted.	MR	This will depend on each directorate and service unit allocating sufficient staff resource to FOI work	CMT / Heads of Service / FOI officers	Report to CMT 18/05/22 Audit underway on gaps in FOI officer coverage 26/05/22
2.1.3 c)	Where EIR exceptions are used, the response should be dealt with under the EIR 2004 regulations.	LR	Reminder to all FOI officers and revision/recirculation of the FOI-EIR decision tree	DPO	Complete Emails sent to relevant FOI officers 01/04/22 and 26/05/22. DPO attending Place Directorate DMT 08/06/22
2.1.4	A sample of responses should be reviewed periodically to confirm that they are appropriate and the templates provided are used to ensure the requirements of FOI / EIR / SAR legislation are adhered to.	LR	Periodic sampling of responses	Standards Officer	Awaiting initial action
2.1.5, 2.1.8, 2.3.4 a)	All outstanding FOI, SAR & EIR requests should be reviewed and any which have been	MR	This will depend on each service unit allocating sufficient staff resource	CMT / Heads of Service / FOI officers	DPO and SIRO working with

APPENDIX A

REPORT REF	RECOMMENDATION	CLASS (HR; MR; LR; GP)	AGREED ACTION/ COMMENTS	RESPONSIBILITY FOR IMPLEMENTATION	Action already undertaken
	outstanding for more than 20 days should be dealt with immediately.				Directors and Heads of Service
2.1.7 c)	When further information is sent out by the Reviewing Officer, care should be taken to ensure that where applicable it is fully redacted.	MR	Reminder to FOI officers from DPO about this issue	DPO / FOI officers	Awaiting initial action
2.1.7 d)	Where a template is used, care should be taken to ensure that the relevant sections are updated with the correct data. If several options are available, any non-relevant sections should be deleted before being issued.	MR	Reminder to FOI officers from DPO about this issue	Heads of Service / FOI officers	Complete Email to FOI officers 31/03/22
2.1.7 e)	In line with the guidance provided by the ICO, the review letter should provide a summary of the conclusion reached and it should be made clear whether the original outcome is upheld or not.	LR	DPO to alter the review letter template	DPO	Complete Review letter updated 23/05/22
2.2.1	Consideration should be given to revising the EIR guidance tree issued to FOI Officers to make it more user friendly and provide relevant examples to assist in decision making.	GP	DPO to revise the EIR decision tree	DPO	Complete Email circulated 01/04/22
2.2.2 b)	Cases should not be marked as 'closed' on the database until the response has been sent.	LR	An investigation has taken place into this and it transpires that the one case noticed by the auditor	DPO	Complete

APPENDIX A

REPORT REF	RECOMMENDATION	CLASS (HR; MR; LR; GP)	AGREED ACTION/ COMMENTS	RESPONSIBILITY FOR IMPLEMENTATION	Action already undertaken
			relates to a typing error of the case number on the system (two responses were filed under the same number following a typing error). Corporate Complaints team assure the DPO that they never record a case as closed without a copy of the response		
2.2.2 d)	Further training should be arranged for all FOI officers in identifying whether requests should be dealt with under the EIR 2004 or FOI 2000 regulations and the correct format to use for responses.	MR	Training to be created	Information Governance Unit	Programmed for July
2.2.2 (e), 2.3.3 g) 2.3.4 a)	The standard reply template should be used when responding, stating which legislation the request has been dealt with.	LR	DPO to send reminder	DPO	Complete Email sent 01/04/22
2.3.3 c)	The final outcome for all requests received should be recorded on the database.	GP	DPO to send reminder	SAR officers	Complete Email sent 26/05/22
2.3.4 b)	An FOI Officer should be appointed as soon as possible to undertake the Social Services SAR reviews and all outstanding reviews should be completed.	MR	This will depend on a service unit allocating sufficient resource to carry out this work	Director of Education	Complete Two new officers have been gradually taking over role since January

IIA screening form

Which service area and directorate are you from?

Service Area: LDSBI

Directorate: Corporate Services

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

Changes to practice with regard to FOIs and other statutory information requests as a result of audit.
 Primary requirements of the audit are to provide more resource to improve the timeliness of responses.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?
Please provide details below – either of your activities or your reasons for not undertaking involvement**

This is a readjustment and potential improvement of internal processes hence no engagement with outside agencies is considered necessary.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/>	Medium risk <input type="checkbox"/>	Low risk <input checked="" type="checkbox"/>
---------------------------------------	-----------------------------------------	-------------------------------------------------

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No If yes, please provide details below

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

Improved service to people and communities through improvement in practice.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

(Q2) The outcome of the screening is that implementation of the proposals would have a negligible or mildly positive effect on people/communities and on groups with protected characteristics.

(Q3) No community involvement has been considered appropriate in reaching this conclusion

(Q4) There are no WFG considerations that are negative

(Q5) There are no identified risks from implementing the action plan that would have a negative effect: any risk relates to the inability to implement

(Q7) Cumulative impact is negligible from implementation of the proposal.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Kim Collis
Job title: Data Protection Officer
Date: 27/05/22
Approval by Head of Service:
Name: Tracey Meredith
Position: Chief Legal and Monitoring Officer
Date: 30/05/22

Please return the completed form to accesstoservices@swansea.gov.uk