

A Recipe for Success for FOI in Local Government

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About Me

- 17 Years as a local government officer working on Freedom of Information requests
- 12 years as Head of Information Governance
- 10 years as an FOI trainer
- Regular contributor to PDP FOI journal
- Examiner for PDP FOI certificate
- Author of FOI articles, blogs and books
- Regular speaker at FOI conferences and events
- Advisor to Jersey Government on setting up FOI on the island
- PhD researcher at De Montfort University looking at FOI

My Research

Freedom of Information Act 2000, Local Government and Everyday Regimes of Practice

- Limited studies of FOI's long-term impacts on local government practices.
- We know little of the everyday practices of FOI and the political logics of the regimes that have come into operation over time as local authorities have grappled with the demands of its implementation.
- Addressing these 'gaps' in existing knowledge, this research seeks to critically evaluate the implementation of FOI.
- More specifically, it seeks to identify and characterise the existing regimes of FOI practices that have come into being across local authorities.

Numbers of FOIs to Local Government

mySociety's 2019 research, *'Reforming FOI: Improvements to strengthen access to information in the UK'* presented statistics that showed a substantial 63% of Freedom of Information requests in the United Kingdom are submitted to local government.

The research estimated that approximately 468,780 Freedom of Information requests were sent to local government in 2017.

Little research into FOI performance in England as data not centrally collated.

Place and Titles

FOI regularly moved around in local government to different departments.

Slowly finding its home in Legal Services where it has more purchase.

Striking that out of 16 FOI officers interviewed not one of the job titles had Freedom of Information in the title.

Process

The majority of participants had a centralised system that sent the requests to the service areas to collate the information.

Many service areas send the information back to the central team to check exemptions, quality assure and release the response.

The central team also monitors performance and chases requests that look to be going late.

Technology

Most local authorities have a centralised IT system for logging and monitoring requests

These range from simple Excel spreadsheets to specialist FOI software. Many have developed in-house systems to save money.

Person – Getting the job

Freedom of Information officers repeatedly spoke of “being dumped with it” or it “being tagged onto their job”.

Lack of professionalisation – unlike statutory Data Protection Officers.

Previously no route in. New IG apprenticeship may change that.

Jobs rarely require FOI knowledge and experience as essential criteria.

Person – Qualifications and Experience

Lack of recognised national qualifications and career progression.

Many had transferable skills that worked well in FOI.

Committed FOI officers sometimes have to pay for own training.

Many just learn on the job.

FOI officers upskill themselves by networking and horizon scanning. No education from above e.g. MHCLG.

Other factors

Movement - Do Freedom of Information practitioners move from one world to another or do they struggle to move to other sectors or roles within an organisation, especially promotion?

Interactions/ Reporting - Many of the interactions with management seem to be one way and Freedom of Information practitioners often feel voiceless. Information travels up to management, but nothing comes back down to Freedom of Information officers. It can be an invisible process that's ignored until something goes wrong.

Contentious cases – The Freedom of Information officer often makes some big decisions at various stages of the process on what they see as difficult or contentious cases, often with no senior decision makers involved and no political interference. There is a lack of acknowledgement of the role the Freedom of Information officer plays in this.

Other factors (2)

Seen as an annoyance - There is often an emotional labour of being an FOI officer as other parts of the organisation see them as an annoyance and Freedom of Information not as a priority.

Bureaucracy – Can be seen as a generic back-office administration function instead of the statutory frontline service that it is.

Denial of agency - The Freedom of Information officer exercises discretion and makes important decision on a daily basis on behalf of their organisation but often denies their agency and dresses it up as an administrative process.

Conclusions

Organisations that are successful at FOI often have

- a self-driven FOI officer in post who networks and horizon scans;
- a hub and spoke centralised system;
- utilised an IT system to log requests centrally;
- acknowledged expert legal knowledge is needed

Successful FOI officers often deny their agency.

Professional Development

On the job experience is invaluable – the more requests the better!

Basic FOI/FOISA/EIR training essential

More detailed training necessary for the tougher cases/(S)ICO/Tribunal cases

Regular proactive horizon scanning

Networking

Softer skills development – persuasion, political awareness, negotiation, championing

External Support & Resources

Campaign for FOI/FOISA

Fora

Mailing lists

Local/Regional networks

Sector networks

Law firm blogs

Training provider's blogs and training

ICO/SICO

Tribunal Decision notices

Conferences

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