

The Impact of the Freedom of Information Act on English Local Government

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Freedom of Information Act
2000

The objectives of FOI and impact upon local government

1. Transparency
2. Accountability
3. Better decision making
4. Public understanding of decision-making
5. Public participation
6. Trust in government

1. Leadership
2. Accountability
3. Service delivery
4. Partnership work

Local government study: methods

Interviews with 15 local authorities
(and FOIs survey)



Online survey of FOI requesters



Analysis of articles in national,
regional and local media



Commissioner and Tribunal case
law



Progress

- Findings are **provisional**
- 8 local authorities have been interviewed. The range of authorities is quite wide in terms of size but also in terms of attitude.
- Roughly classify them as (i) 2 very well performing/'model' authorities, (ii) 4 medium to good and (iii) 2 authorities that have had particularly bad experiences.
- Requesters survey is based on only 40 responses
- Local journalists survey based on 16 responses
- We have done 50% of the national press coding (around 1k out of 1500) and 30% of the regional coding (have not yet done all the analysis but around 300 out of 1k).

Local government's patchwork of openness is very variable.

- Local government as a whole sees itself as very open but can vary according to
 1. Political attitudes.
 2. Experience.
 3. Political balance/situation.
- There does not appear to be clear ways to generalise.

2. FOI requests are increasing

Year	FOI requests
2005	60, 000
2006	72,000
2007	80,000
2008	118,000
2009	170, 000

2. FOI requests are increasing cont...

- No single explanation for the rise in requests.
 1. **Increased general use by the public** particularly post MPs' expenses
 2. **Increased use by the media** (particularly round robins from the national media-see national media coding with 70% of stories generated by round robins)
 3. **Increased use by business** (also round robins)

3. Measuring in constant change Constant change

- **General:** committee system to Cabinet, government to governance/partnership, democratic experiments (more to come?)
- **Openness:** range of access legislation since 1960s including open meetings, publication of documents, access to accounts (more to come)

Has FOI met its objectives? FOI officers' views

Objective	Agreed
Transparency	95 %
Accountability	78%
Public understanding	49%
Better decision-making	26%
Participation	25 %
Trust	25 %

Has it increased Transparency?

- Majority of officials seem to feel that FOI may have made a slight improvement
- Authorities are very open general due to (i) earlier legislation (ii) general shift towards openness with other reforms
- It has encouraged more pro-active disclosure
- A few feel FOI has created a 'legalistic straitjacket'
- Requesters seem to feel that local government is now more transparent.
- Concern in press that councils more secretive as a result of wider reforms (NS 2010)

Has it increased Accountability?

- As with transparency some officials felt that local government was always very accountable and open and cite the range of audit mechanism, performance targets and other instruments
- Others felt it had done so especially over activities such as allowance use or decisions made
- Requesters felt it has made authorities more accountable.

Has it led to Better Decision-making?

- Few officials felt it had any impact
- Had been changed by wider reforms particularly the shift from Committee to Cabinet system and the increased use of consultation
- This seen as a mixed blessing that has brought efficiency and speed but sacrificed democracy

Has it increased Public Understanding of decision-making?

- Difficulty is that local government is, and has been, accessible by many other means: local government legislation since the 1970s, minutes online, public access to meetings.
- Few officials felt it has had any impact - when there has been interest it has been irregular and around a particular issue of personal interest or controversial.
- However, largest group of requesters felt it had increased their understanding.

Has it increased participation?

- Very difficult because local government has always been very experimental
- Many cited range of participation mechanisms- council meetings, questions, citizen's juries, surveys, community groups, LSPs-that have helped improve it (though still low)
- However there is use of FOI by groups around local issues and found examples of long running campaigns (planning, parking).
- Proxy use by national groups

Has it increased trust?

- Local government always more trusted
- Majority feel that trust has not been improved because of (i) MPs' expenses fallout (ii) high profile 'wasting money'
- Many feel that trust has more to do with being (i) responsive (ii) visible (iii) efficient/improving
- National media reduced trust (stories on wasting money, salaries, RIPA)
- **BUT** both local news and requester survey split
- Complexity of views towards the council

Trust cont...

- ‘I don’t use council services’ or ‘think that teachers, carers, social workers do a good job but when asked about “the Council” have very poor perceptions’ (Official)
- Stories are exposing with an assumption that councils are incompetent and/or corrupt (Journalist)
- Change from the committee system to the cabinet system has narrowed accountability (Journalist)
- It makes the public more aware of how their money is being spent but this could go either way on trust (Journalist)

Impact upon how local authorities work

Has it impacted upon Leadership?

- No impact

Has it impacted upon Service Delivery?

- A few felt it may have caused services to change as FOI created a feedback loop
- Majority felt it had no impact

Has it impacted upon Partnership work?

- Most felt it had no impact
- A few mentioned how it had (i) made private companies nervous (ii) given an extra edge to the tendering process

Chilling effect

- Few officials felt it had an effect
- FOI had the positive effect of ‘cleaning up’ emails and correspondence
- It also may have created more of an audit trail for minutiae (e.g. record in detail all expenses).
- **BUT** one authority had two clear examples regarding (i) official-member discussion about drafts-no notes are taken (where they were before) (ii) future budget discussion to take place in closed committees to ensure officials
- Interestingly this in a hung authority where the ruling party existed on a knife edge.
- In another hard hit council a few on frontline services were recording less on cases-some documents marked ‘confidential’.

Use by Media (National)

- **Rarely reports local stories**
- Use of 'round robins'
- Particularly *Mail, Telegraph* and *Times*
- By far the biggest issue is 'wasting public money' (Chief Exec salaries, non-jobs etc) and within this 'fat cat' officials
- Others are mainly round robin: include Schools (drugs, knives), benefits/welfare, waste/refuse (Attacks on bin men)

Use by Media (Regional/Local)

- Average local newspaper makes 16 FOI requests per year (Newspaper society). Dependent on individual relations between press office and newspaper.
- Also type of newspaper? Community vs. more abrasive
- Driven by decline of local press
- Most popular stories appear to be council spending
- Some are local equivalent of national stories (allowances, staff days out etc)
- Some are pursuance of local stories
- Also used Councils to run stories on other public bodies e.g. schools but also private such as bus companies, restaurants or mobile phone companies.

Use by Business

- Also cited as an increasing user- often submits complex requests.
- Key cause of frustration
- Business use in 'classic' way to find information on tendering, contacts, ICT use
- Also some innovations e.g. deceased without easily traceable heirs, details of council tax rebates, asking for address/information to build a database (then sold back)

Future: Opportunities

- FOI is presented with opportunities by the new commitment to transparency
- £500 reform: many support principle but feel figure is too low, information de-contextualised and the reform itself will be difficult and costly to do (see recent whatdotheyknow/openly local)
- Rise of web based transparency ('openly local' and 'spotlight on spend')
- Other reform may assist e.g. greater powers

Future: concerns

- Many feel working at capacity or over-capacity. Key concern is how FOI can be dealt with within 26 % budget cuts
- Some officials are keen to ‘filter’ requests from difficult requesters
- Some mention application fees but highlight political difficulties of introducing it
- Others question usefulness and say in future may not be able to answer all requests.
- Unilateral action? Bexley ‘name and shame’, Chester and Chester West fees and aggregating requests

Preliminary conclusions

- FOI is bound up in the wider changes to local government
- Authorities do FOI in different ways
- FOI has made local authorities more open though the level of openness varies. It has contributed to accountability.
- It appears not to have influenced participation or decision-making. The impact upon trust is not clear
- It has had little impact on the functions of local authorities.
- FOI is being heavily used by business and the press.

Themes for further analysis

- **Trust:** how and why is local government different? Can they make a better/quicker impact on the local area? Be more visible?
- **Accountability:** does FOI fill accountability 'gap' in local government across partnership etc?
- **Online transparency:** where do new sites such as 'spotlight on spend' and 'openly local' fit in?
- **Requests:** Are there patterns in request subject? Or are they 'niche'?

Questions

- How does this fit with your experience?
- What other areas/issues should we examine?
(esp. relating to the future?)
- What other methods could we use (e.g. analysis of requests, disclosure logs etc)
- How can we increase responses to our requester survey?