

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

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Freedom of Information Act
2000

Outline

- Has FOI met its objectives?
- Has it had an impact on how local government works?
- Who is using FOI?
- What does the future hold?

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



Online surveys



Analysis of articles in national, regional and local media



Commissioner and Tribunal case law



FOI requests are increasing

Year	Central govt	Local govt
2005	25,000	60,000
2006	30,000	72,000
2007	33,000	80,000
2008	35,000	118,000
2009	40,000	170,000
2010	45,000	197,000

Measuring organisations in 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	Agree
Transparency	95 %
Accountability	78 %
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
- It has encouraged more pro-active disclosure but ad hoc
- A few feel FOI has created a 'legalistic straitjacket'
- Requesters seem to feel that local government is now more transparent
- Openness depends on (i) leadership (ii) culture (iii) external relations

Has it increased accountability?

- Many felt that local government was always very accountable
- Cite the range of audit mechanism, performance targets and other instruments.
- Introduced 'unpredictability': 'it's funny what you get pulled up for'
- Requesters felt it has made authorities more accountable.
- Often used with other mechanisms, media, open meetings as part of a wider campaign

Birmingham Post: Birmingham City Council pays union officials £1m a year

‘Trade union officials at Birmingham City Council are costing taxpayers more than £1 million a year in wages.

The bill, amounting to £1.4 million, is met by council tax payers. But with hidden costs added, including the value of office accommodation, phone calls and stationery, the total is likely to be far higher.

The cost was described as “alarming” by city councillor Martin Mullaney, who uncovered the figures through a Freedom of Information Act request.

Coun Mullaney (Moseley & Kings Heath, Lib Dem), who wants a scrutiny committee to quiz union representatives to see whether they give value for money’

Has it led to better decision-making?

- Few officials felt it had any impact
- Those that did saw it as very low level e.g. particular shop licence
- Had been changed by wider reforms particularly the shift from Committee to Cabinet system
- This seen as a mixed blessing that has brought efficiency and speed but sacrificed democracy

Chilling effect?

- Few officials felt it had an effect
- FOI had the positive effect of ‘cleaning up’ emails and correspondence
- **BUT** one authority had a clear examples regarding official-member discussion about drafts-no notes are taken (where they were before)
- 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’.

Has it increased public understanding of decision-making?

- Difficult to measure
- Local government legislation since the 1970s, minutes online, public access to meetings.
- Public 'bored' or 'confused' by local government
- Public only involved on particular issue of personal interest or controversial.
- However, largest group of requesters felt it had increased their understanding on specific issues

Has it increased participation?

- Very difficult because local government has always been very experimental
- Many cited range of participation have helped improve it (though still low)
- However is use of FOI by groups around local issues and found examples of long running campaigns (planning, parking) depends on area e.g. retired academics
- Proxy use by national groups e.g. Taxpayers' Alliance

Campaign group's FOI findings on threatened Leeds libraries

The number of people using some of the 20 Leeds libraries facing potential closure in the New Year has increased in the past year, a Freedom of Information request by a campaign group has revealed.

However, through the analysis of information provided following a Freedom of Information request, campaign group Voices for the Library has discovered that 22 of Leeds' 53 libraries recorded an increase in library visits on the previous year. Of these 22 libraries, 10 of these are libraries that the authority plans to close

Has it increased trust?

- Local government always more trusted
- MPs' expenses fallout and high profile 'wasting money' damaged
- 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 media very variable with some aggressive use and some no use at all
- Complexity of views towards the council

The National Press: Town council-ill

'60,000 sickie days in 1 year

STAFF at Britain's most sickly **council** took SIXTY THOUSAND days off work ill in one year, it was revealed yesterday.

It works out at more than seven days for EACH of the 8,500 employees.

Statistics released under the **Freedom of Information** Act showed that almost 500 employees were on long-term sick leave -more than 20 days – between September 2005 and September 2006, many because of stress-related illnesses'.

Impact upon how local authorities work

- **Has it impacted upon Service Delivery?** A few felt it may have caused services to change as FOI created a feedback loop
- **Has it impacted upon Partnership work?** Most felt it had no impact
- **Has it impacted upon Leadership?** No impact despite emphasis on salaries
- 2 areas of tension media and business

- 22 kph

Updated 9:22am 5 April 2011:

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How Kirklees Council leader Mehboob Khan 'meddles' in your information requests: A report everyone in Kirklees should read

Katie Grant, Huddersfield Daily Examiner | Mar 28 2011

Kirklees Council leader Mehboob Khan Share 4

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KIRKLEES Council leader Mehboob Khan has been meddling in public information.

Everyone has the right to request information held by public sector organisations under the Freedom of Information (FOI) Act.

But the Examiner can exclusively reveal that Cllr Khan has been amending the information which has been prepared ready to send out to people.

Former council leader Kath Pinnock has described his actions as "disturbing".

Lib Dem leader said: "The whole purpose of Freedom of Information

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FOI and Private Companies

- Requester want to know either (i) information held about company (ii) how it is performing
- Most companies, especially public facing or newer, happy to pass on information
- Minority defensive and even threatened to sue
- Concern over future with contracting out and partnerships-can lock FOI into contracts?

Who is the Requester?

	Local Government	Central Government	EU
Public	37	39	32
Journalist	33	8	3
Business	22	8	-8
Academic	1-2	13	23

Who Uses FOI: media (national)

- **Rarely reports local stories**
- Use of 'round robins'
- Particularly *Mail*, *Telegraph* and *Times*
- By far the biggest issue is 'wasting public money' (CE 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)



Research Note 87

17 March 2011

Town Hall Rich List 2011

For a fifth year the TaxPayers' Alliance reveals the most comprehensive list of council employees in the UK whose total remuneration exceeds £100,000. This year's Town Hall Rich List covers the 2008-09 and 2009-10 financial years.

For the first time, our research has been compiled primarily from councils' statements of accounts. The TaxPayers' Alliance has previously produced the Town Hall Rich List from Freedom of Information requests and our pressure led the Government to force councils to provide detailed remuneration reports for senior officers. This is a big step forward for

Who Uses FOI: media (regional/local)

- Average local newspaper makes 16 FOI requests per year (Newspaper society)
- Very variable as some authorities with good relations or weak local press have none others have very heavy use
- Also type of newspaper? Community vs. more abrasive
- Some are local equivalent of national stories (allowances, staff days out etc) some are controversial 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.

Suspected food poisoning at Jamie Oliver's chain of Italian restaurants

By NICK MCDERMOTT

Last updated at 10:20 AM on 10th May 2011

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He has campaigned to raise standards in kitchens across Britain.

But perhaps Jamie Oliver's next culinary crusade will be a little closer to home after suspected cases of food poisoning at his chain of restaurants.

Branches of the Jamie's Italians have been taken to task by food inspectors over a series of other failings too.



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Wireless keeps dropping out?

FEMAIL TODAY

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 Show producers said he broke 'competition rules'



► **'I just ate everything': Cheryl Cole reveals how she was ordered by doctors to gain weight to**



Who Uses FOI: business

- Also cited as an increasing user of FOI
- Key cause of frustration often submit complex requests.
- 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)

Who Uses FOI: the public

- Public use it because (i) they are politically engaged (ii) using it for a issue of personal interest
- Very wide variety of motivations from 'politics' to 'curiosity' and 'search for a new home'
- Majority on issue such as location of speed bumps, allotments and 'street level' matters
- Alongside this are common areas e.g. parking fines
- The 'private' nature of many requests makes it very difficult to predict

A Sample of FOI requests

- The number of clocks that the Council has responsibility for and maintains and the annual cost of maintaining them.
- Provide a copy of any opening notices (street works) KCC may have received in respect of any utility at the Capstone Road, Medway, Kent ME5 7NJ at any time between January 2003 and April 2009
- Public Health Funerals where the estate has been referred to the Treasury Solicitors in the last 6 weeks
- Provide copies of any correspondence between Jim Woolridge and Jonathon Collins after 12/11/10.
- Do Jacobs have a licence to transport Japanese Knotweed?

The future?

- Online publication of all spending over £500
- Rolled out since last year
- Aims to increase transparency and accountability, allow public to better understand local government
- Create an ‘Army of Armchair Auditors’?
- Innovators use information to build new sites

Survey of £500 of 168 local authorities: what impact has the publication had?

Transparency	38%
Accountability	25%
Trust	13%
Innovation	3%

The future?

- Some local authorities had very little interest ‘180 visits and one FOI request’ in 3 months or local media interest in ‘electricity and phone bills’ which had quickly ‘settled down’.
- Higher levels from the local press and some ‘small use by trade unions’.
- Local media stories have highlighted odd spending on training, consultants and crematoria.
- Others pointed to internal benefits, with officials and politicians now able to better understand their own authority’s spending.
- No increase or decrease in FOI requests

Where Are Our Armchairs Auditors?

- There has been little sign of the army of armchair auditors.
- In June Eric Pickles praised a group of bloggers who held to account the flagship Barnet Conservative authority over its contractual procedures.
- Other sites called ‘armchairs auditor’, and ‘reluctant armchair auditor’ but the latter wrote in the Guardian that the data was ‘not yet’ of good enough quality.
- Who is accountable? What mechanisms do you use?

Manchester Evening News £500 Stories

- £1,600 paid by Salford council to a troupe of mostly-disabled comedians.
- Bury spent £1,000 on cakes and flapjacks
- Stockport paid more than £400,000 to anonymous recipients, whose details were removed for confidentiality reasons.
- Tameside revealed £27m worth of spending.
- £660,000 paid to a law firm by Bury council,
- £1.6m by Stockport to its own cleaning and school meals company SK Solutions,
- £1.7m paid by Tameside to contractors as part of its school-building programme.

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Stoke-on-Trent City Council Publish Spending Data Over £500

STORY
28 jan 2011

posted by [mike rawlins](#)

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Just scraping through inside the 31 January deadline imposed by Eric Pickles, [Stoke-on-Trent City Council](#) have published spending data over £500 on-line.

The data for December is available in .csv format and .pdf.

We have not had time to delve too deeply in to the data yet, but have noted that Kier Stoke have been paid £2,962,255.49 mainly billed as *Private Contractors* and Vanguard Consulting £68,696 billed as *miscellaneous expenses & services*

Before you get too excited about the data and what you can find out, be aware that you will have to enter a FOI request for each invoice you wish to find out more information about.

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[Mike Rawlins](#)



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Experimental

Council Spending Dashboard

£12,836,200,916 158
 spent by... Councils with...

226,799 2,056,586
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Name	Total spend	Per month
Adur District Council	£14,190,592	£7,095,296
Allerdale Borough Council	£1,183,600	£1,183,600
Aylesbury Vale District Council	£8,420,619	£2,806,873
Babergh District Council	£8,993,917	£817,628

Name	Total paid	Councils supplied
WILLMOTT DIXON CONSTRUCTION LIMITED	£105,937,777	19
THE PRUDENTIAL ASSURANCE COMPANY LIMITED	£75,464,638	10
SCOTTISH WIDOWS PLC	£74,793,994	4

Name	Total paid	Councils supplied
MACINTYRE CARE	£22,526,882	32
SHEFFIELD CITY TRUST	£19,460,221	1
ACTION FOR CHILDREN	£11,768,539	47
ANCHOR TRUST	£11,004,666	53
ROYAL MENCAP		

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Start | 547.pdf (application/p... | Microsoft PowerPoint -... | Council Spending Da... | publication official | 13:02

The Future?

Where could it go?

- Needs political will
- Will be diverse-less political (e.g. no Armchair Auditors). Probably 'established' accountability groups use it (media , NGOs)
- Few interested in raw data so third party is the area to watch
- Beware of politics e.g. crime map, £500

The Future? Reform vs. resources

1. Political reform can encourage participation and increased accountability
2. Open Data, E-government experiments promote interaction
3. Financial squeeze may mean FOI is a casualty as not seen as a 'frontline' service and bias in seeing cost

Openness remains a priority?

“I don’t care how things are organised. If they want to introduce a choral system, with various members of the council singing sea shanties, I don’t mind, providing it’s accountable, transparent and open. That’s all I need to know.”



Conclusions

- FOI has further increased transparency but as an ‘add on’ to existing mechanisms. FOI works with the ongoing development of new websites and applications such as Openly Local.
- Some are more open than others depending on leadership, experience of FOI, culture, wider relations
- Accountability has increased often working with other mechanisms
- Decision-making has been affected only at a low level
- It has not engaged more of the public but has been used by NGOs
- No single generalisable impact on trust

Conclusions

- **Rising request levels** driven by **increased awareness** of FOI (especially post MPs' expenses) but also local stories. Requests can also come in waves around a particular issue (e.g. RIPA).
- **Often niche and of private interest to the person**, which makes proactive disclosure ineffective
- High profile cases aside, FOI **rarely obtains a 'smoking gun'** often used like a jigsaw, or as a lever to obtain influence in a campaign.
- FOI brings unpredictability over both 'what' is asked about and how the authority reacts

Questions

- How does this relate to your experience of FOI and Open Data?
- Where will FOI go from here?
- What else makes authorities open or not?
- How does it compare with elsewhere?

Thank You

- Website <http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government/>
- Project Report
- FOI blog
- FOI monthly updates
- Contact b.worthy@ucl.ac.uk or g.bourke@ucl.ac.uk