

Report to:	QSMTM
Report by:	Sarah Hutchison
Meeting Date:	25 April 2018
Subject/ Title: (and VC no)	CR: Publication schemes (public authorities) Performance Report 2017-18 (VC101372)
Attached Papers (title and VC no)	None

Purpose of report

- To provide the publication schemes (public authorities) performance report 2017-18, part of the Governance Reporting Arrangements.
- The aim of the report is to provide assurance that publication scheme adoptions are progressing in line with key performance indicators set out in the Performance and Quality Framework.

Name	Frequency/ date	Measure/ indicator
Publication Schemes	6-monthly	Publication Scheme notifications for new bodies completed: (i) 80% by due date (ii) 100% notified or enforcement commenced within 3 months of due date (Due date is set at point of creation of publication scheme file)

Recommendation and actions

- QSMTM is asked to:
 - Note this report
 - Approve the revised measure/indicator for publication schemes in 2018-19 as set out in paragraph 13 of this report.
 - Approve the recommendation in the Publication section, that this report is published in full.

Executive summary

- This report provides performance data, against the above key performance indicators, for publication scheme completions in 2017-18. The workings for this report are saved in VC101442.

New bodies

5. Five new bodies were required to notify the Commissioner of adoption of a publication scheme in 2017-18.

(i) Three new bodies were added to Schedule 1 of FOISA by primary legislation:

- Scottish Fiscal Commission
- Community Justice Scotland
- Crown Estate Scotland (Interim Management)

(ii) Two new publicly owned companies were created:

- NLL CIC
- Marketing Edinburgh Ltd.

Table 1: KPIs for new bodies created in 2017-18

			Target	Actual
Number of bodies (5)				
KPI 1: notified by date due		0	80%	0%
KPI 2: completed within 3 months, comprising:		4	100%	80%
a) notified by due date (KPI 1 above)	0			
b) notification within three months of date due (without enforcement), or	4			
c) enforcement commenced within three months of date due	0			
completed later than 3 months after due date		1		
not completed		0		

enforcement action ongoing		0		
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6. As the above table shows:

- (i) KPI 1: was not met.
- (ii) KPI 2: 20% variance against target (Marketing Edinburgh Ltd.'s notification was received four months after the due date).

7. No cases are to be carried forward to 2018-19.

8. There are no pending enforcement actions for failure to adopt a publication scheme.

Older cases

9. 22 overdue cases were carried forward from previous years. Notification was completed for all of these bodies in 2017-18:

Bodies listed in Schedule, 1Part 7

	Notification due date	Notification completed date
Criminal Courts Rules Council	16-Jul-14	30-Jun-17
East Lothian Integration Joint Board	11-May-16	31-May-17
Midlothian Integration Joint Board	11-May-16	05-Apr-17
Inverclyde Integration Joint Board	11-May-16	05-Apr-17
Aberdeenshire Integration Joint Board	11-May-16	05-Apr-17
Fife Integration Joint Board	11-May-16	05-Apr-17
Dundee City Integration Joint Board	11-May-16	28-Apr-17
Moray Integration Joint Board	11-May-16	27-Apr-17
South Lanarkshire Integration Joint Board	11-May-16	13-Apr-17
East Dunbartonshire Integration Joint Board	11-May-16	13-Apr-17
Shetland Islands Integration Joint Board	11-May-16	11-Apr-17
Angus Integration Joint Board	11-May-16	11-Apr-17
West Lothian Integration Joint Board	11-May-16	11-Apr-17
Edinburgh Integration Joint Board	11-May-16	11-Apr-17
North Lanarkshire Integration Joint Board	11-May-16	11-Apr-17
Argyll and Bute Integration Joint Board	11-May-16	11-Apr-17
Aberdeen City Integration Joint Board	11-May-16	11-Apr-17
Scottish Borders Integration Joint Board	11-May-16	11-Apr-17
Scottish Land Commission	21-Dec-16	04-Apr-17

Section 5 bodies

	Notification due date	Notification completed date
Perth and Kinross Sports Council	20-Dec-13	30-Jan-18
Sycamore School	05-May-16	13-Jul-17
Ardfern School	05-May-16	11-May-17

Recommendation re publication scheme key performance indicators

10. In 2016-17 we learned from the experience of providing intensive support to new section 5 bodies. While we can *influence* compliance with the requirement to notify the Commissioner by the commencement date for new authorities, we cannot *control* it. That is, we can issue reminders and even warn of potential enforcement action in the period before commencement, but a substantial proportion of new bodies will not respond until final warnings are issued after the commencement date.
11. Therefore KPI 1 is not an effective measure of our performance.
12. In 2018-19 we expect the largest single tranche of new bodies since 2005 will come under jurisdiction, placing considerable pressures on the notification process.
13. It is recommended that:
 - (i) KPI 1 is removed from the performance indicators, but KPI 2 is retained.

Risk impact

14. The risks associated with failure to adequately monitor public authority compliance are adequately captured in the current operational risk register.

Equalities impact

15. Equalities impacts arise in the Model Publication Scheme which requires authorities to make published information available in a range of formats to ensure equitable access.
16. There are, however, no equalities impacts arising from the notification process.

Resources impact

17. Management of publication scheme notifications is a business as usual activity for which resources are allocated as part of routine operational planning.

Operational/ strategic plan impact

18. Management of publication scheme notifications is a business as usual activity in operational plans.

Records management impact (including any key documents actions)

19. If the QSMTM agrees with the recommendation to remove KPI 1, the Performance and Quality Framework will require amendment.

Consultation and Communication

20. None required.

Publication

21. I recommend that this committee report is published in full.