

Self-assessment Toolkit

Module 3: Advice and assistance Standards and Criteria



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Glossary and Abbreviations

| Term used | Explanation |
|-----------------------------------|--|
| A&A | Advice and assistance |
| The Commissioner | The Scottish Information Commissioner |
| EIRs | Environmental Information (Scotland) Regulations 2004 |
| FOI | FOISA and the EIRs |
| FOISA | The Freedom of Information (Scotland) Act 2002 |
| SIC | The Scottish Information Commissioner, staff of SIC (depends on context) |
| S15/R9 | Section 15(1) of FOISA / regulation 9(1) of the EIRs |
| Section 60 Code / S60 Code | Scottish Ministers' Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 |

Cross-referenced VC documents (for internal use) to be completed as document names are known

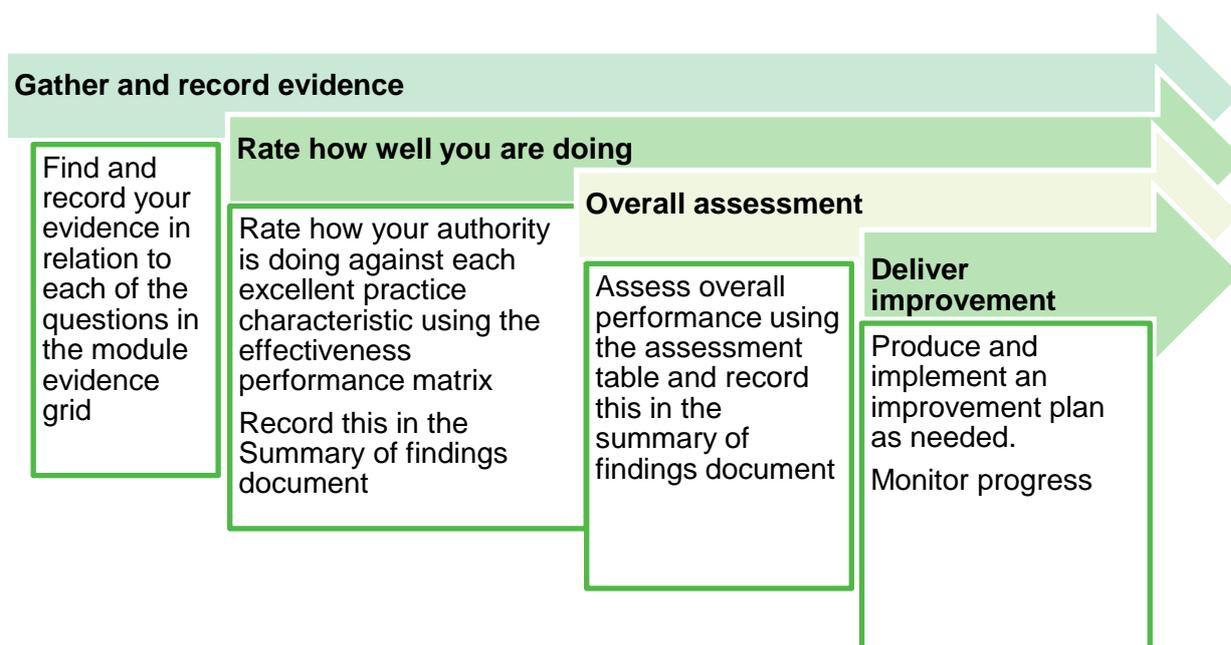
| VC No | VC name |
|--------------|---|
| 76462 | TOOLKIT Guide: Getting Started |
| 76466 | TOOLKIT Introduction to the FOI self-assessment toolkit |
| 76472 | TOOLKIT Guide: How to carry out an FOI self-assessment |
| 76482 | TOOLKIT TEMPLATE Summary of Findings |
| 76486 | TOOLKIT TEMPLATE Improvement Action Plan |
| 76513 | TOOLKIT Module 03: Assessment Questions and Evidence grid |

Introduction to module 3: Advice and assistance

1. This document sets out the standards and criteria against which you will assess your authority's FOI performance in discharging its duties under section 15 of FOISA and regulation 9 of the EIRs to provide advice and assistance.
2. The duty to provide advice and assistance is an opportunity for authorities to develop a relationship with service users based on openness and transparency. It is a channel of communication that used well builds trust and confidence. Excellent authorities give advice and assistance because they put service users at the heart of their processes and want to communicate well, rather than because the law says they must.
3. We recommend you read our **Guidance on carrying out an FOI self-assessment**, available at www.itspublicknowledge.info/toolkit, for advice about how to carry out your assessment and apply the standards.
4. The purpose of self-assessment is to:
 - enable an authority to **capture** the organisation's strengths and good practice in the application of FOI law and codes of practice, then
 - **assess** the effectiveness of that practice, to then
 - identify where and how practice can **improve**.
5. Self-assessment focuses on the key questions:
 - (i) **What** are we doing?
 - (ii) **How** well we are doing it?
 - (iii) **What** are we going to do now?
6. The standards around which the module is written are based on achieving an "excellent" rating. But don't feel this is what you have to aim for right away. Improvement is a journey and you may want to take it in stages. The minimum requirement to meet statutory duties is "adequate". Also bear in mind this module relates to just one area of FOI practice, it may well be that your overall improvement plan is to achieve different rating for different areas of practice, depending on your organisation's wider strategic and business aims, or to bring all areas up to the minimum adequate standard.
7. This document is in sections:
 - (i) **Overview of process**: how to carry out an assessment.
 - (ii) **Outcomes and legal context**: what you could achieve through this self-assessment, and your authority's duties under FOI. To comply with FOI legislation, you must achieve at least an **adequate** rating overall.
 - (iii) **Characteristics of good practice**: these give you an overview of what excellent practice in giving advice and assistance looks like.
 - (iv) **What next**: improvement planning.
 - (v) **Assessment ratings and criteria**: the standards against which you rate your authority's performance as **Excellent, Good, Adequate** or **Unsatisfactory**.

Overview of Process

8. Our **Guidance on carrying out an FOI self-assessment** and later sections of this document set out how to approach an assessment, but in summary:



Module 3: outcomes and legal context

Outcomes

9. Good FOI practice in giving advice and assistance contributes to:
- (i) Increased public trust in Scottish public authorities based on developing your culture of openness and transparency.
 - (ii) Compliance with FOI law and the Section 60 Code of Practice.
 - (iii) Reduced likelihood of risk of failure to provide advice and assistance leading to FOI reviews and appeals (particularly upheld appeals) to the Commissioner.
 - (iv) Increased service user satisfaction and better relationships with service users through the giving of helpful, meaningful and timely advice and assistance.
 - (v) Improved quality of the service you provide both in responding to requests and in communicating with service users.

Legal context

10. Under section 15(1) of FOISA and under regulation 9(1) of the EIRs, Scottish public authorities should provide advice and assistance to a person who proposes to make, or has made, a request for information, as far as it is reasonable to do so. This applies before a request is made, during the handling of the request and review, and after the response has been issued at request and review.
11. Under section 60 of FOISA, the Scottish Ministers publish a Code of Practice for Scottish public authorities. The Section 60 Code gives guidance to authorities on good practice to follow when providing advice and assistance at all stages of handling requests.

12. Under section 15(2) of FOISA and regulation 9(3) of the EIRs, an authority that conforms to the Section 60 Code of Practice is taken to have complied with its duties under section 15(1) of FOISA and regulation 9(1) of the EIRs.
13. While compliance with the Section 60 Code of Practice is not statutory, failure to comply with the Code is treated by the Commissioner as a failure to meet FOI duties.

The characteristics of excellent advice and assistance

14. Excellent FOI practice in providing advice and assistance has five characteristics:
 1. open and transparent culture
 2. effective governance and management
 3. arrangements to deliver advice and assistance
 4. appropriately trained staff supported by effective guidance
 5. effective arrangements for monitoring, reporting and reviewing FOI practice and performance.

ONE: Open and transparent culture

The authority has a culture of openness and transparency. It offers and delivers assistance and signposting to help people find and access the information they are looking for.

This looks like:

- ✓ Openness and transparency are clearly stated aims of the authority. Leaders demonstrate their commitment to them and are accountable for achieving them. The commitment is reflected in FOI policies, procedures and practices.
- ✓ Leaders and managers demonstrate they understand the link between openness and transparency and excellent customer service. They ensure FOI arrangements enable staff to provide helpful, meaningful and timely advice and assistance.
- ✓ There is organisational commitment to ensuring the authority publishes information that is in the public interest, and that it is well signposted and accessible to the public.
- ✓ Customer-focused, open and proactive communication with the public is considered by leaders and managers to be of central importance to delivering the duty to provide helpful advice and assistance.

TWO: Governance and management

Senior managers have integrated providing advice and assistance into governance and management frameworks. Providing information is integral to the authority's business and there is clear strategic responsibility for it.

This looks like:

- ✓ Leaders and staff at every level of the authority are accountable for the provision of helpful, meaningful and timely advice and assistance and recognise it is central to the authority's FOI procedures and practices.
- ✓ Governance and management frameworks reflect the link between the authority's FOI policies and procedures, customer service arrangements and statutory duties.
- ✓ Governance frameworks recognise the risk impact of providing, or failing to provide, helpful, meaningful and timely advice and assistance. This applies especially to meeting statutory duties and stakeholder engagement.
- ✓ Managers are responsible for ensuring that procedures and practices incorporate the good practice contained in the Section 60 Code of Practice about providing advice and assistance.

THREE: Arrangements for advice and assistance

Organisational arrangements, including procedures and processes are customer-focused. They ensure staff offer and provide helpful advice and assistance.

This looks like:

- ✓ Arrangements are in place to ensure that the authority publishes information in the public interest and that it is accessible and well signposted.
- ✓ The authority has a scheduled approach to reviewing and updating its Guide to Information.
- ✓ Procedures and processes support staff to provide helpful, meaningful and timely advice and assistance. They make a clear link with the authority's customer service policies, procedures and service standards.
- ✓ Arrangements are geared towards providing advice and assistance at every relevant opportunity, including before, during and after a request has been made.
- ✓ The good practice in advice and assistance detailed in the Section 60 Code of Practice is incorporated into the authority's procedures and practices.
- ✓ Accountability at all levels for providing helpful, meaningful and timely advice and assistance is clearly stated in policies and procedures.

FOUR: Training and guidance

Training and guidance provide staff with the knowledge and skills they need to consistently provide helpful, meaningful and timely advice and assistance.

This looks like:

- ✓ Staff understand how responding to enquiries about accessing information and information requests relates directly to the authority's customer service policies, procedures and standards.
- ✓ Staff receive training appropriate to their individual roles and have access to suitable guidance and support to enable them to communicate effectively and to provide, helpful, meaningful and timely advice and assistance.
- ✓ Training arrangements and requirements are reviewed periodically and staff are kept up-to-date with changes to procedures and / or practices

FIVE: Monitoring, reporting and reviewing

The authority monitors and reports how effectively it provides advice and assistance. Where lessons are learned, they are incorporated into future practice.

This looks like:

- ✓ The authority has quality standards and performance measures to demonstrate it provides helpful, meaningful and timely advice and assistance.
- ✓ The authority learns from its FOI and customer service experiences to identify ways it can improve the quality of the advice and assistance it provides, and the way in which it is provided.
- ✓ FOI reviews are seen as an opportunity to assess whether appropriate advice and assistance was given to the requester. Where issues are identified, lessons are learned and lead to practice improvements.
- ✓ The authority learns from SIC decisions (positive and negative) about advice and assistance. Where decisions are about the authority, arrangements are in place to ensure the learning is converted into action at a senior level.
- ✓ Lessons learned from quality monitoring lead to more information being published by the authority.

Ratings and evaluation criteria

Rating

15. Performance is rated as: **Excellent**, **Good**, **Adequate** or **Unsatisfactory**.
16. In order to comply with the legislation, you must achieve at least an **Adequate** overall rating.

Assessment table

| Overall rating | |
|-----------------------|--|
| Excellent | <ul style="list-style-type: none">• Excellent in at least 3 characteristics, 2 of which must be Open and transparent culture, and Governance and management.• No more than 1 adequate rating and no unsatisfactory ratings. |
| Good | <ul style="list-style-type: none">• Good or excellent in at least 4 characteristics, 2 of which must be Open and transparent culture, and Governance and management.• No unsatisfactory ratings. |
| Adequate | <ul style="list-style-type: none">• Adequate, good or excellent in at least 4 characteristics, 2 of which must be Open and transparent culture, and Governance and management. |
| Unsatisfactory | <ul style="list-style-type: none">• Unsatisfactory in either Open and transparent culture, and Governance and management, irrespective of other ratings. or• Unsatisfactory in any 4 characteristics. |

17. Remember, when you apply these standards, you should be proportionate in your approach. It is the adequacy of your FOI approach and arrangements, and the outcomes they deliver that is important, not how sophisticated or detailed they are. For example, where the criteria call for something to be done “routinely”, for some organisations annually is routinely enough, while for others it may be monthly.

What next?

Work plan

18. Reflect on your evaluation and develop an appropriate work plan using the **Improvement Action Plan**. This may be a plan to improve your rating or a maintenance plan to ensure you maintain current standards. Our **Guidance on carrying out an FOI self-assessment** gives you more details about this.

Help and advice

19. Contact our Policy and Information Team for further advice and guidance on using the Self-assessment toolkit on 01334 464610 or via enquiries@itspublicknowledge.info.

Effectiveness performance matrix

Please note for printing, this page is A3 size but it will print as A4 if sent to an A4 printer

| | Excellent | Good | Adequate | Unsatisfactory |
|---|--|--|---|---|
| Open and transparent culture | <ul style="list-style-type: none"> Clearly demonstrates commitment to openness and transparency Universal understanding that helping people to identify and access information is an integral part of public engagement Staff routinely take appropriate opportunities to exceed the basic requirements of the S60 Code | <ul style="list-style-type: none"> Commitment to openness and transparency can generally be demonstrated General understanding that helping people to identify and access information is an integral part of public engagement Staff provide relevant A&A at every opportunity in line with the requirements of the S60 Code | <ul style="list-style-type: none"> Openness and transparency meet the minimum standards set out in the FOISA/EIRs and S60 Code There is some appreciation that helping people to identify and access information is an integral part of public engagement Staff occasionally provide relevant A&A in line with the requirements of the S60 Code | <ul style="list-style-type: none"> Little or no evidence to demonstrate a commitment to openness and transparency The decision to publish information regularly fails to consider the public interest No evidence that staff give A&A in line with requirements of S60 Code |
| Governance and management | <ul style="list-style-type: none"> Recognition at all levels that A&A is a characteristic of excellent customer service Accountability and responsibility for providing A&A are clearly defined and monitored, and exceed the minimum required by the S60 Code Risks associated with A&A routinely identified and managed | <ul style="list-style-type: none"> Senior level recognition that A&A is a characteristic of excellent customer service Accountability and responsibility for providing A&A clearly defined and generally monitored in line with the S60 Code Risks associated with A&A generally identified and managed | <ul style="list-style-type: none"> Some recognition at senior level that A&A is a characteristic of excellent customer service Accountability and responsibility for providing A&A delivers the minimum standards required in the S60 Code Risks associated with A&A occasionally identified and managed but tend to be reactive | <ul style="list-style-type: none"> Little or no link made between A&A customer service Accountability and responsibility for providing A&A is not defined or monitored Risks of failing to provide A&A are not recognised and managed |
| Arrangements for advice and assistance | <ul style="list-style-type: none"> Policies and procedures for A&A significantly exceed the requirements of the S60 Code SIC investigations rarely find a failure to apply, or criticise use of, S15/R9 Information is routinely published in the public interest and always well signposted and accessible Guide to Information routinely reviewed and updated Performance management framework includes FOI request handling Clear that staff are empowered and encouraged to exceed the basic requirements of the S60 Code for A&A. | <ul style="list-style-type: none"> Policies and procedures for A&A enable exceeding the requirements of the S60 Code SIC investigations sometimes find a failure to apply, or criticise use of, S15/R9 Information is generally published in the public interest and always well signposted and accessible Guide to information routinely reviewed and updated Performance management framework includes FOI request handling Clear that staff are empowered to exceed the basic requirements of the S60 Code for A&A. | <ul style="list-style-type: none"> Policies and procedures for A&A meet the requirements of the S60 Code SIC investigations occasionally find a failure to apply, or criticise use of, S15/R9 Information is generally published in the public interest and is usually well signposted and accessible Guide to information reviewed and updated on an ad-hoc basis. Performance management framework includes FOI request handling | <ul style="list-style-type: none"> Policies and procedures for A&A do not meet with the minimum requirements of the S60 Code SIC investigations regularly find a failure to apply, or criticise use of, S15/R9 Information rarely published in the public interest and is poorly signposted and/or difficult to access Guide to Information is never or rarely reviewed and updated Performance management framework does not include FOI request handling |
| Training and guidance | <ul style="list-style-type: none"> All staff understand they must provide FOI A&A as part of customer service arrangements All staff are competent to meet duties under S15/R9 Training, guidance and other support arrangements routinely reviewed and updated. Regular updates and refresher training issued / provided to all public-facing staff | <ul style="list-style-type: none"> Majority of staff understand they must provide A&A as part of customer service arrangements Majority of staff are competent to meet duties under S15/R9 Training, guidance and other support arrangements are routinely reviewed and updated Regular updates and refresher training issued / provided to all public-facing staff | <ul style="list-style-type: none"> FOI staff understand they must provide A&A to FOI requests as part of customer service arrangements FOI staff are competent to meet duties under S15/R9 Training, guidance and other support arrangements are generally reviewed and updated Ad hoc updates and refresher training issued / provided to FOI staff | <ul style="list-style-type: none"> No evidence FOI staff understand they must provide A&A to FOI requests as part of customer service arrangements Little or no training delivered or no guidance or support provided Training, guidance and support arrangements are not kept up to date Updates / refresher training rarely or never issued / provided |
| Monitoring, reporting and reviewing | <ul style="list-style-type: none"> Regular monitoring and reporting against quality standards and performance measures Learning from practice routinely drives continuous improvement | <ul style="list-style-type: none"> Regular monitoring and reporting against quality standards and performance measures Learning from practice generally drives continuous improvement | <ul style="list-style-type: none"> Ad hoc monitoring and reporting against quality standards and performance measures Learning from practice sometimes drives continuous improvement | <ul style="list-style-type: none"> No quality standards or measures in place No monitoring or reporting against standards Learning seldom identified and rarely/never leads to improvements |

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