

Report to:	MSMTM
Report by:	Head of Policy and Information Erin Gray
Meeting Date:	2 June 2021
Subject/ Title: (and VC no)	CR: Policy and Information Team capacity VC151673
Attached Papers (title and VC no)	None

Purpose of report

1. The purpose of the Committee Report is to seek SMT approval of the business case for recruitment by way of an external secondment for a Freedom of Information Officer (FOIO) (Grade 4) in the Policy and Information Team (P&I) to cover capacity issues arising from maternity leave.

Recommendation and actions

2. It is recommended that:
 - (i) the Commissioner approves the recruitment of an FOIO (P&I) by way of external secondment subject to the UK Information Commissioner's Office ('the ICO') agreeing the proposed arrangements
 - (ii) the SMT approves the business case and the proposed grade of the post – Grade 4
 - (iii) this CR is published in accordance with the Publication section of the report.

Executive summary

3. Additional capacity is required on a temporary basis within the Policy and Information Team as a member of the team is on maternity leave. Following discussions between the Commissioner and the ICO, it is hoped that this can be covered (for a period of up to 12 months) by the secondment of a member of staff from the ICO's office.
4. The Commissioner does not need to obtain the approval of the SPCB for the proposed secondment.

Business case for additional FOIO (P&I)

5. Recruitment to the FOIO post is required to enable the P&I team to deliver on commitments set out in the Commissioner's strategic and operational plans which cannot be met fully

within the existing staffing resources of the P&I Team, given current capacity shortages. These include vital work areas such as public authority interventions, policy consultations, and communications and engagement activity in order to support both promotion and enforcement of FOI in Scotland. A significant proportion of the work required during 2021-22 cannot be delayed until 2022-23, given statutory duties, anticipated external consultation deadlines, existing commitments in relation to essential work (such as ongoing interventions and time-sensitive activity in relation to the Commissioner's website).

6. It is proposed that the post is Grade 4, consistent with other FOIO posts, and as required given the nature of the work involved.
7. Secondment is being proposed rather than external recruitment given the temporary nature of the requirement, and the time pressure. Recruitment via usual routes would take several months, and required security clearance processes could extend the time before appointment by several more months. Factoring in time required for induction, this would mean a postholder would not be in a position to make contributions to the work of the team for potentially six months or more. A secondment from the ICO would reduce recruitment time involved, as well as removing the time period required for security clearance, as this would already be in place, as well as providing an IO with existing FOI experience and knowledge from a similar statutory system.
8. Secondment would also contribute to increasing links and engagement between the ICO and Scottish Information Commissioner's organisations and staff. This will support exchange of information and expertise on policy matters relating to freedom of information across jurisdictions. It will also directly provide a new and useful viewpoint on issues from the secondees themselves.

Risk impact

9. Putting in place the secondment will help mitigate the risk of having a reduced level of human resources which, in turn, will help mitigate the risk of being unable to deliver Operational Plan aims within agreed timescales.

Equalities impact

10. We are committed to providing equal opportunities in employment.
11. No job applicant or staff member will receive less favourable treatment on the grounds of sex, marital status, or racial grounds or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions, such as religious beliefs or political opinions.

12. There are no direct equality impacts arising from this CR.

Privacy impact

13. There are no direct privacy impacts arising from this CR.

Resources impact

14. There will be additional staff costs resource required to cover both the costs of the proposed secondment and the maternity leave.
15. Although we would like to recruit to the same grade (Grade 4), the equivalent grade in the ICO which is SC cleared (as required for all staff working for the Scottish Information Commissioner's staff) is Level E and the salary range for level E is slightly higher than our Grade 4 salary range. The ICO's team have provisionally agreed that they could support any additional funding, arising from this difference (if required) for the proposed secondment on the basis that if there is a contribution that the secondee can provide briefings for the ICO on the latest position in Scotland, should this be required for internal or external purposes.
16. Any secondee will need to follow an induction process and this will have an impact for all teams in terms of the time and training that will be required to be provided to the secondee.
17. The secondee will also need to be provided with approved IT equipment and this will also have a cost impact and CST resource impact, both of which can be met from within existing resources.

Operational/ strategic plan impact

18. Failure to second a member of staff to the above post would adversely affect our ability to deliver commitments in the Operational Plan 2021-22.

Records management impact (including any key documents actions)

19. None.

Consultation and Communication

20. There have been discussions on the proposed secondment with the ICO management.

Publication

21. I recommend that this CR is published in full.