

<b>Report to:</b>	Monthly Senior Management Team Meeting (deferred from QSMTM)
<b>Report by:</b>	Claire Stephen, Acting Head of Policy and Information
<b>Meeting Date:</b>	29 June 2022
<b>Subject/ Title:</b> (and VC no)	2021-22 Publication Scheme (Public Authorities) Performance Report VC 169424
<b>Attached Papers</b> (title and VC no)	None

## Purpose of report

- To provide the publication schemes (public authorities) performance report 2021-22 as required by the Governance Reporting Framework, and to provide assurance that management of publication scheme adoptions is meeting the key performance indicators set out in the Performance and Quality Framework.

## Recommendation and actions

- I recommend that:
  - The Senior Management Team (SMT) note the contents of this report.
  - This committee report is published in full, as set out in the publication section below.

## Executive summary

- The key performance indicators for publication schemes for new bodies 2021-22 are:

Publication Schemes	Annually	Publication Scheme notifications for new bodies completed: (i) 80% within one month of due date (ii) 100% notified or enforcement commenced within 3 months of due date (set at point of creation of publication scheme file)
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- Where a large tranche of new bodies are coming under the scope, e.g. RSLs, the due date will be defined by the commencement date. In other cases where we alerted to, or discover the creation of a new body (usually post 'commencement' or founding), the 'due date' will be defined on a case-by-case basis taking all circumstances into account.

## 2021-22 Publication Scheme Notifications

- 4 authorities notified the Commissioner of their adoption of a publication scheme in 2021-22:

Authority Name	Authority type	Commencement date	Due date	Notification date
Scottish Biometrics Commissioner	Sch 1 Part 7	01/12/2020 – (postholder started 12/04/2021)	06/08/2021	03/02/2022
Environmental Standards Scotland	Sch 1 Part 2	01/10/21	01/10/2021	12/10/2021
Redress Scotland	Sch 1 Part 7	28/06/2021	28/09/2021	17/12/2021
Scotrail	Section 6	01/04/2022	01/04/2021	01/04/2022

The impact of Covid-19 inevitably had an impact on some authorities’ ability to meet the deadlines set for notification.

The Scottish Biometrics Commissioner faced significant challenges setting up an office during the pandemic – there were a number of critical dependencies required before the organisation could adopt a publication scheme – we also recognised the practical difficulties posed relating to divergent founding and commencement dates. Redress Scotland faced similar challenges and were unable to secure a website by the notification date.

Environmental Standards Scotland missed its notification date by a small number of days.

We continue to support Consumer Scotland as it works towards the adoption of a publication scheme.

As part of our enforcement of the publication scheme duty, we also carried out a number of interventions with authorities whose Guide to Information we had found to be unavailable.

Table 1: KPIs for new bodies 2021-22

			Target	Actual
Number of bodies: 4				
<b>KPI 1: notified by date due</b>		<b>1</b>	<b>80%</b>	<b>25%</b>
<b>KPI 2: completed within 3 months, comprising:</b>		<b>3</b>	<b>100%</b>	<b>75%</b>
a) notified by due date (KPI 1 above)	1			
b) notification within three months of date due (without enforcement), or	2			
c) enforcement commenced within three months of date due	0			
<b>completed later than 3 months after due date</b>		<b>1</b>		
not completed		0		
<b>enforcement action ongoing</b>		<b>0</b>		

## Risk impact

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- The risks associated with failure to adequately monitor public authority compliance are sufficiently adequately captured in the current documentation.

## Equalities impact

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

## **Privacy impact**

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9. There are no privacy impacts arising from publication scheme adoptions beyond the retention of public authority contact information in publication scheme case files.

## **Resources impact**

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10. Management of publication scheme notifications by new bodies created by primary legislation is a business as usual activity for which resources are allocated as part of routine operational planning.

## **Operational/ strategic plan impact**

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11. Management of publication scheme notifications is a 'business as usual' item in the Commissioner's annual operational plan. It has not raised any unanticipated impact for current or future operational and strategic plans.

## **Records management impact (including any key documents actions)**

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12. No new impacts identified.

## **Consultation and Communication**

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13. None required – this report will be published on the Commissioner's website.

## **Publication**

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