



# STAFFORDSHIRE FIRE AND RESCUE SERVICE

## Framework for Compliance with Legal and Regulatory Requirements: Freedom of Information (FOI)

Internal audit report 3.22/23

Final

14 February 2023

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# 1. EXECUTIVE SUMMARY

With the use of secure portals for the transfer of information, and through electronic communication means, remote working has meant that we have been able to complete our audit and provide you with the assurances you require. It is these exceptional circumstances which mean that 100 per cent of our audit has been conducted remotely. Based on the information provided by you, we have been able to sample test, or complete full population testing using data analytics tools.

## Why we completed this audit

As part of the internal audit plan for 2022/23, we have carried out an audit of Framework for Compliance with Legal and Regulatory Requirements: Freedom of Information (FOI) at the Staffordshire Fire and Rescue Service (The Service) to review the controls and processes in place to capture and respond to FOI requests in accordance with legal timeframes.

The Freedom of Information Act 2000 (FOIA) provides public access to information held by public authorities. When a request is received, the public authority has a 20-working day statutory deadline to issue a response. Where an applicant is unsatisfied with the response to their request, they may request an internal review which should also aim to be completed within 20 working days. Following the issue of response, there is an obligation of the authority to publish the response on their respective website in line with their Publication Scheme.

From December 2022, both the Force and the Commissioner's Office will migrate to a new system to log and track FOI requests. The Staffordshire Fire and Rescue Service currently use their own spreadsheet to record and track FOI requests and will continue to do so, whilst monitoring the effectiveness of the new system to be implemented by both the Force and Office and it is expected that a decision to migrate to the system will be made, in due course.

At the time of the audit (August 2022), the Service had received 80 FOI requests.

## Conclusion

There is an appropriate controls framework in place for the logging and managing of FOI requests. Areas of improvement have been noted which has resulted in the agreement of two 'low' priority management actions.

### Internal audit opinion:

Taking account of the issues identified, the Service can take substantial assurance that the controls upon which the organisation relies to manage the identified area are suitably designed.



## Key findings

**The following aspects of the control framework were found to be operating effectively:**



The Service maintain a Freedom of Information Access, Publication and Re-Use Policy that sets out the implications of the FOI legislation for Staffordshire Fire and Rescue Service and how all staff can comply with the various requirements. The Policy was last approved by the Deputy Chief Fire Officer in January 2022.



The Service has procedures in place for the handling of FOI requests.



All FOI requests are logged on a dedicated FOI Tracker spreadsheet.



All FOI requests should be assigned to a decision maker timely, to enable work to start on fulfilling the request. Testing identified no exceptions.



If an internal review is requested, this will be completed in 20 working days. From our sample selected, three requests had gone through an internal review, and all had been completed within 20 working days.



FOI updates are provided at the Protective Security Strategy (PSS) Meetings which are held bi-monthly. Review of the minutes of the last three PSS meeting held in March, May and July confirmed that an FOI update was given which included the number of FOIs and internal reviews dealt with since the previous meeting as well as problems encountered and costing.



All FOI responses are published on the Staffordshire Fire and Rescue Service Website by in line with the Publication Scheme. Review of the website at <https://www.staffordshirefire.gov.uk/what-we-do/access-to-information/freedom-of-information-requests-and-responses/> confirmed that FOI responses are being published and are available to be viewed.

**We identified the following areas for improvement in the current established control framework which resulted in two low priority actions being agreed:**



Review of the Service's website found that the most recent FOI Policy was not available. **(Low)**



For those FOI requests that are looking to go beyond the 20 working days process time and an extension is to be applied, the applicant should be informed of the delay. For those three requests which went beyond the 20-working day deadline, it was confirmed that the applicant had not been informed of the delay in two cases. For the remaining case where delays are ongoing, communication has been maintained with the applicant. **(Low)**

## 2. DETAILED FINDINGS AND ACTIONS

This report has been prepared by exception. Therefore, we have included in this section, only those areas of weakness in control or examples of lapses in control identified from our testing and not the outcome of all internal audit testing undertaken.

Area: Policy and Procedures				
<b>Control</b>	The Service maintain a Freedom of Information Access, Publication and Re-Use Policy that sets out the implications of the FOI legislation for Staffordshire Fire and Rescue Service and how all staff can comply with the various requirements.		<b>Assessment:</b>	
	The Policy is approved and is available via the website.		<b>Design</b>	✓
			<b>Compliance</b>	×
<b>Findings / Implications</b>	Review of the Policy found that information was contained in the following, but not limited to, key sections: <ul style="list-style-type: none"> <li>• Responsibilities;</li> <li>• Requests for Information;</li> <li>• Provision of Information;</li> <li>• Right to Request Review; and</li> <li>• Publication of Information.</li> </ul> <p>We were advised that the Policy was approved by the Deputy Chief Fire Officer in January 2022. However, on review of the Service's website it was identified that the most up to date version of the Policy was not available. It is important that the most up to date policies are held and are available on the website to ensure the correct processes are being followed.</p>			
<b>Management Action 1</b>	The Service will ensure that the most up to date version of the Freedom of Information Access, Publication and Re-Use Policy is available on the Service's website.	<b>Responsible Owner:</b> David Morris	<b>Date:</b> Implemented	<b>Priority:</b> Low

## Area: Tracking and Monitoring

<b>Control</b>	For those FOI requests that are looking to go beyond the 20 working days process time and an extension is to be applied, the applicant is informed of the delay.	<b>Assessment:</b>	
		<b>Design</b>	✓
		<b>Compliance</b>	×
<b>Findings / Implications</b>	For those three requests (within our sample) which went beyond the 20-working day deadline, we tested to confirm that the applicant had been informed of the delays. Testing confirmed that in 2/3 cases the applicant had not been informed of the delay and in the remaining case (which is still ongoing), ongoing communication has been maintained with the applicant.  There is a risk of a lack of audit trail in the event of query or dispute if all communication is not maintained on file.		
<b>Management Action 2</b>	The Service will ensure documentation is held to support communication with applicants specially to evidence any delays in response and the status of the request.	<b>Responsible Owner:</b> David Morris	<b>Date:</b> Implemented <b>Priority:</b> Low

## APPENDIX A: CATEGORISATION OF FINDINGS

### Categorisation of internal audit findings

Priority	Definition
Low	There is scope for enhancing control or improving efficiency and quality.
Medium	Timely management attention is necessary. This is an internal control risk management issue that could lead to: Financial losses which could affect the effective function of a department, loss of controls or process being audited or possible reputational damage, negative publicity in local or regional media.
High	Immediate management attention is necessary. This is a serious internal control or risk management issue that may lead to: Substantial losses, violation of corporate strategies, policies or values, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

The following table highlights the number and categories of management actions made as a result of this audit.

Area	Control design not effective*	Non Compliance with controls*	Agreed actions		
			Low	Medium	High
Freedom of Information (FOI)	0 (9)	2 (9)	2	0	0
<b>Total</b>			<b>2</b>	<b>0</b>	<b>0</b>

\* Shows the number of controls not adequately designed or not complied with. The number in brackets represents the total number of controls reviewed in this area.

## APPENDIX B: SCOPE

The scope below is a copy of the original document issued.

### Scope of the review

The scope was planned to provide assurance on the controls and mitigations in place relating to the following area:

#### Objective of the area under review

Effective controls and processes are in place to capture and respond to Freedom of Information (FOI) requests in accordance with legal timeframes.

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#### The following areas will be considered as part of the review:

- Policies and procedures are in place, reflecting current operating practices.
- FOI requests are acknowledged and responded to in line with agreed response times. Sample testing will be conducted to confirm the timeliness of each stage of the process including:
  - logging of requests through all mediums;
  - assignment of requests to officers;
  - initial response to a requestor within 20 days;
  - where applicable notifying the requestor when a reasonable extension to the 20-day limit;
  - second level internal review; and
- The reporting of compliance statistics within the organisation; and
- Information has been published on the Service's website in accordance with the ICO's guidelines.

**Limitations to the scope of the audit assignment:**

- We will not comment on the appropriateness of the decisions made by the Service or confirm exemptions have been used appropriately and in accordance with the act.
- This review will not replicate an inspection performed by the ICO or guarantee future results.
- We will not confirm the organisation have dealt with requests within the prescribed limit.
- We will not comment on any FOI cases or the outcome of any cases.
- Testing will be completed on a sample basis.
- The results of our work are reliant on the quality and completeness of the information provided to us; and
- Our work does not provide absolute assurance that material errors, loss or fraud do not exist.

To minimise the risk of data loss and to ensure data security of the information provided, we remind you that we only require the specific information requested. In instances where excess information is provided, this will be deleted, and the client sponsor will be informed.

Please note that the full scope of the audit can only be completed within the audit budget if all the requested information is made available at the start of the audit, and the necessary key staff are available to assist the audit process during the audit. If the requested information and staff are not available, we may have to reduce the scope of our work and/or increase the audit budget. If this is necessary, we will agree this with the client sponsor during the audit.



<b>Debrief held</b>	27 September 2022
<b>Draft report issued</b>	28 September 2022
<b>Responses received</b>	7 November 2022
<b>Revised draft report issued</b>	15 November 2022
<b>Final report issued</b>	14 February 2023

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