

Item 8 (ii)

STAFFORDSHIRE FIRE, POLICE & CRIME COMMISSIONER AND CHIEF CONSTABLE OF STAFFORDSHIRE

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

Final Internal audit report 1.22/23

14 October 2022

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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 Staffordshire Police Force (The Force) and Staffordshire Commissioners Office (The Office) 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 public authority to publish the response on their respective website in line with their Publication Scheme.

From December 2022, both the Force and the Office will migrate to a new system to log and track 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.

Since April 2022 to the time of the audit (August 2022), the Commissioner had received 10 FOI requests and the Force had received in excess of 600 requests.

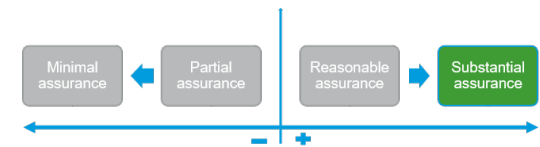
Conclusion

Overall, we confirmed through our review that controls were well-designed and operating effectively for the management of FOI requests in accordance with statutory guidelines and documented procedures. We found that both FOI requests and internal reviews had been responded to within 20 working days in accordance with the target.

There are opportunities to combine resources, including Policy and Procedure documentation and have a single document that reflects the Service, Force and Commissioner's Office.

Internal audit opinion:

Taking account of the issues identified, the Commissioner and the Chief Constable can take substantial assurance that the controls upon which the organisation relies to manage the identified area are suitably designed, consistently applied and operating effectively.



Key findings

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

Staffordshire Chief Constable



The Force maintain the following policies in relation to freedom of information: Freedom of Information Policy and Environmental Information Regulations Policy. The policies are available via the website. On review of both policies, it was confirmed that both had been reviewed in March 2022 and were due to be reviewed in March 2023. The coverage that is included within the policies was deemed appropriate.

The Force maintain two documents which provide guidance for processing a FOI request and conducting an internal review if necessary. These are:



- Freedom of Information Act and Environmental Guidance Manual and;
- Freedom of Information Act; and Internal Review Guidance Manual.

On review it was confirmed that all steps for processing a FOI request were clearly defined. However, the Manual did not state time frames for the logging of a FOI request and subsequent assignment to a decision maker.



We sampled 20 FOI requests that had been received by the Force in the last 12 months and confirmed that where an internal review was required that this had been completed timely (in the absence of guidance we regarded timely as 20 working days as per the recommendation in Section 45 Code of Practice). No exceptions were noted.



Compliance statistics in relation to the timeliness of the FOI Requests is reported to the Staffordshire Police Information Board at their quarterly meetings. We reviewed the FOI request compliance report that was presented to the Staffordshire Police Assurance Board for August 2022 and confirmed that the following compliance statistics were reported:

- FOI Request completion in 20 working days;
- Internal review completion rate; and
- Right of Access Request Completion rate.

Discussion with the Central Disclosure Unit Manager identified that this particular section of the quarterly meetings is not minuted unless there is an exception to raise. In addition, monthly compliance statistics are emailed to the NPCC.



All FOI responses are published on the Staffordshire Police Website by the Central Disclosure Unit Supervisor, in line with the ICO FOIA Definition document for police forces. Review of the Staffordshire Police Website at <https://www.staffordshire.police.uk/foi-ai/af/accessing-information/>, confirmed that FOI responses are being published and are available to be viewed by the general public.



All FOI requests are responded to within 20 working days. In 1/20 cases, the request was responded to after 23 days. This was due to a process error which has been highlighted below (moving to a junk folder) and in a further case the response was after 24 days. No reasoning was given as to why this occurred. However, this is considered to be an isolated incident and in discussion with the Central Disclosure Unit Manager it was established that no extension was applied as extensions are only applied if delays are likely to be significant.



All FOI requests should be assigned to a decision maker timely, to enable work to start on fulfilling the request. In 1/20 cases, the request was not assigned to a decision maker until after six days. (Refer to the management action below).

We identified the following weaknesses in the current established control framework:

The Force does not currently have formal timeframes for logging FOI request onto Lotus Notes. We sampled 20 FOI requests that had been received by the Force to confirm that the request had been logged onto Lotus Notes in a timely manner (in the absence of guidance we regarded timely as two days). Testing identified that in one case, the request was logged onto Lotus Notes six days after being received by the Force. Discussion with the Central Disclosure Unit Manager found that this request was sent to Junk Mail in error and as such was added to Lotus Notes late. As a result, staff are now to check to the junk email on a daily basis. It is suggested that this check is added to the Freedom of Information Act and Environmental Guidance Manual. **(Low)**



Staffordshire Commissioner's Office



Staffordshire Commissioner maintains a Freedom of Information Policy which outlines the roles and responsibilities for dealing with FOI requests. A condensed version is also maintained that summarises elements of the overarching Policy. The policies are approved by the Information Assurance Board (IAB) and are available via the website.



Review of the FOI Process flowchart confirmed that a process is outlined for handling FOI requests which reflect current working practices and includes timeframes for the logging of requests, acknowledgement to applicant, notice of extension as well as internal reviews.



All FOI requests are assigned to a decision maker on a timely basis, to enable work to start on fulfilling the request. Discussion with the Compliance Manager identified that, there is only one decision maker at present around FOI. There is resilience within the Commissioner's Office in the event of absence, but this has not been needed this year.



All FOI requests are responded to within 20 working days. Testing identified no exceptions. In addition, there were no requests that went beyond 20 working days.



If an internal review is requested, this must be acknowledged within two working days and completed within 20 working days. Review of the FOI Tracker confirmed that no internal reviews had been necessary, so far during 2022.



Statistics around FOI compliance are reported to the Information Assurance Board (IAB) at their quarterly meetings. Review confirmed that at the January and May 2022 meetings there was appropriate performance detail included regarding the requests received, internal reviews and ICO complaints.



All FOI responses are published on the Staffordshire Commissioner Office Website. Review of the Staffordshire Commissioner Office Website at <https://staffordshire-pfcc.gov.uk/transparency/foi/> confirmed that FOI responses are being published and are available to be viewed by the public.

We identified the following weaknesses in the current established control framework:



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

Staffordshire Chief Constable

Area: Tracking and Monitoring			
Control	All FOI requests received, are logged onto Lotus Notes in a timely manner, although formal timeframes are not recorded.	Assessment:	
		Design	Partial
		Compliance	x
Findings / Implications	The Force does not currently have formal timeframes for logging FOI request onto Lotus Notes. We sampled 20 FOI requests that had been received by the Force to confirm that the request had been logged onto Lotus Notes in a timely manner (in the absence of guidance we regarded timely as two days). Testing identified that in one case, the request was logged onto Lotus Notes six days after being received by the Force. Discussion with the Central Disclosure Unit Manager found that this request was sent to Junk Mail in error and as such was added to Lotus Notes late. As a result, staff are now to check to the junk email on a daily basis. It is suggested that this check is added to the Freedom of Information Act and Environmental Guidance Manual.		
Management Action 1	The Force will ensure that the review of 'junk' mail is included within the Freedom of Information Act and Environmental Guidance Manual to ensure that any potential FOI requests are captured and logged.	Responsible Owner:	Date:
		Central Disclosure Unit Manager	31 March 2023
			Priority:
			Low

Staffordshire Fire, Police & Crime Commissioner

Area: Policy and Procedures				
Control	The Commissioner maintains a Freedom of Information Policy which outlines the roles and responsibilities for dealing with FOI requests. A condensed version is also maintained that summarises elements of the overarching Policy. The Policies are approved by the Information Assurance Board (IAB) and are available via the website.	Assessment: Design ✓ Compliance ×		
Findings / Implications	Review of the Freedom of Information Policy, found that information was maintained in the following, but not limited to, key areas: <ul style="list-style-type: none"> • Scope; • Roles and Responsibilities; • Managing Requests for Information; • Duty to Provide Advice and Assistance; • Transferring requests for Information; • Exceptions and the public interest test; and • Publication Scheme. <p>Review of the Freedom of Information Policy – condensed version found that the following was included:</p> <ul style="list-style-type: none"> • How requests can be made; • When is a request accepted; • Further Information; and • Who deals with these requests. <p>Both Policies are currently being reviewed and are due to be presented for approval at the IAB in October 2022.</p> <p>Additionally, on review of the website, it was identified that the policies that were available were not current. It is important that the most up to date policies are available on the website to ensure the correct processes are being followed.</p>			
Management Action 2	The Office will ensure that FOI Policy and its condensed version are appropriately updated and approved. Additionally, the Office will ensure that both current versions of FOI policies are available on the Office’s website.	Responsible Owner:	Date:	Priority:
		Compliance Manager	Implemented	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
Staffordshire Police Force	1 (9)	0 (9)	1	0	0
Staffordshire Commissioner's Office	0 (9)	1 (9)	1	0	0
Total			2	0	0

* 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

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

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 Force's website in accordance with the ICO's definition document for police forces.

Limitations to the scope of the audit assignment:

- We will not comment on the appropriateness of the decisions made by the Central Disclosure Unit 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.
- Sample testing will be completed from the current financial year.
- 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.

Debrief held 1 September 2022
Draft report issued 29 September 2022
Responses received 4 October 2022 and 10 October 2022
Final report issued 14 October 2022

Internal audit Contacts Daniel Harris, Head of Internal Audit
Angela Ward, Senior Manager
Kishan Patel, Assistant Manager

Client sponsor Fiona Cantrell, DCC Directorate – Information Governance and Assurance (Force)

Veronica Powell – Compliance Manager (Commissioner)

Distribution David Greensmith – Director of Finance
John Bloomer – Assistant Chief Officer Resources

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The matters raised in this report are only those which came to our attention during the course of our review and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Actions for improvements should be assessed by you for their full impact. This report, or our work, should not be taken as a substitute for management's responsibilities for the application of sound commercial practices. We emphasise that the responsibility for a sound system of internal controls rests with management and our work should not be relied upon to identify all strengths and weaknesses that may exist. Neither should our work be relied upon to identify all circumstances of fraud and irregularity should there be any.

Our report is prepared solely for the confidential use of Staffordshire Fire, Police & Crime Commissioner and Chief Constable of Staffordshire, and solely for the purposes set out herein. This report should not therefore be regarded as suitable to be used or relied on by any other party wishing to acquire any rights from RSM UK Risk Assurance Services LLP for any purpose or in any context. Any third party which obtains access to this report or a copy and chooses to rely on it (or any part of it) will do so at its own risk. To the fullest extent permitted by law, RSM UK Risk Assurance Services LLP will accept no responsibility or liability in respect of this report to any other party and shall not be liable for any loss, damage or expense of whatsoever nature which is caused by any person's reliance on representations in this report.

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We have no responsibility to update this report for events and circumstances occurring after the date of this report.

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