



# THE POLICE, FIRE AND CRIME COMMISSIONER FOR NORTH YORKSHIRE

**Freedom of Information Requests**

**REVISED FINAL**

**Internal audit report 7.20/21**

**18 January 2021**



# CONTENTS

1 Executive summary .....	2
2 Detailed findings.....	4
Appendix A: Scope .....	17
Appendix B: Further information.....	19
For further information contact .....	20

<b>Debrief held</b>	11 December 2020
<b>Draft report issued</b>	22 December 2020
<b>Responses received</b>	15 January 2021
<b>Final report issued</b>	15 January 2021
<b>Revised final report issued</b>	18 January 2021

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	Angela Ward, Senior Manager
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<b>Client sponsor</b>	Interim Assistant Chief Executive and Deputy Monitoring Officer
	Office and Volunteer Manager

<b>Distribution</b>	Interim Assistant Chief Executive and Deputy Monitoring Officer
	Office and Volunteer Manager

# 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 / assignment 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 the control framework.

## 1.1 Background

From February 2020 the Office of the Police, Fire and Crime Commissioner (OPFCC) for North Yorkshire assumed responsibility for their freedom of information requests from the North Yorkshire Police Civil Disclosure Unit (CDU) who were previously managing the OPFCC's freedom of information requests. As part of this assumption of responsibility, the OPFCC inherited a back log of 12 open requests all but one of which had been closed by December 2020.

Since February 2020, there have been 24 requests received into the OPFCC, the average time to respond is 33 working days (range 1-110 working days). Of the 24 requests, 11 were responded to within the 20-working day deadline as is required under the Freedom of Information Act.

The OPFCC uses off-the-shelf software to manage its freedom of information requests. Responsibility for overseeing compliance with the Freedom of Information Act (FoIA) lies with the Office and Volunteer Manager (who assumed responsibility for FOIs in July 2020) who reports into one of the two Interim Assistant Chief Executives and Deputy Monitoring Officers.

## 1.2 Conclusion

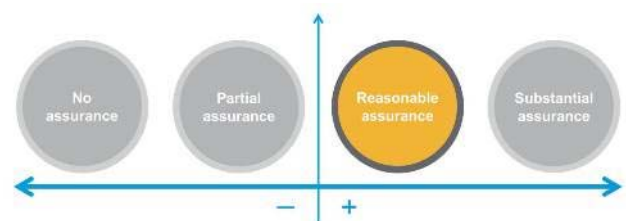
Our review confirmed that there has been an improvement in the response times to freedom of information (FOI) requests since mid-year 2020, and management has revised its FOI processes on the back of lessons learned from a grievance received from a querent as well as through internal discussions. We did note, however, that responses to FOI requests (outcomes) had not been published on the Disclosure Log on the OPFCC website (the last response was published in April 2020).

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### Internal audit opinion:

Taking account of the issues identified, the Police, Fire and Crime Commissioner for North Yorkshire can take **reasonable assurance** that the controls in place to manage this risk are suitably designed and consistently applied.

However, we have identified issues that need to be addressed in order to ensure that the control framework is effective in managing the identified area.



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## 1.3 Key findings

We noted the following areas for improvement:

- The last disclosure (i.e. outcome of an FOI request) on the Disclosure Log on the OPFCC website was published on 6 April 2020. Public authorities must publish outcomes of FOI requests (disclosures) as required by the Freedom of Information Act: 'Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by the Act'. There is a risk that the OPFCC is not adhering with the FoIA requirement to be transparent in its responses to its FOI requests. **(Medium)**

We agreed a further **eight low** priority management actions which are detailed in section two of this report.

We have identified the following controls that were well-designed and consistently applied.

- We could evidence revision of the FOI processes to address grievances raised by a querent ('lessons learned') as well as internal review and discussion of processes among the team.
- For all 15 FOI requests sampled, both the source requests and responses had been retained and were produced on request.
- Improvements in compliance with the 20-working day deadline to respond to FOI requests since mid-2020 was confirmed to the source documentation, proving the dates recorded in the tracker spreadsheet were correct.

## 1.4 Additional information to support our conclusion

The following table highlights the number and categories of management actions made. The detailed findings section lists the specific actions agreed with management to implement.

Area	Control design not effective*		Non-Compliance with controls*		Agreed actions		
					Low	Medium	High
Freedom of Information Requests	1	(8)	6	(8)	8**	1	0
<b>Total</b>					<b>8</b>	<b>1</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.

\*\* More than one management action has been raised against one control.

## 2 DETAILED 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 regulatory scrutiny/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, regulatory scrutiny, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

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.

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management
1	<p>There is an FOI Process document used internally which was recently revised in October to reflect change to the process proposed by the Office and Volunteer Manager.</p> <p>Information on the FOI process is available to the public on the OPFCC website along with the complaints process, the latter of which is also noted in</p>	Yes	No	<p>We confirmed there is a dedicated page on the North Yorkshire Office for Police, Fire and Crime Commissioner (OPFCC) website which documents the Freedom of Information (FOI) Act and the public's right to request information from the OPFCC as a public organisation. There is also a link the OPFCC's Disclosure Log where responses to requests are published.</p> <p>Alongside this publicly available information there is an internally used FOI Process which is a working document that outlines the FOI process in stages: from receipt of an FOI request to issuing the response, including internally set deadlines for processing requests within the 20 working day deadline for response.</p> <p>The OPFCC has in place five pro forma letter templates which cover the following outcomes:</p> <ul style="list-style-type: none"> <li>• Disclosure of information requested;</li> </ul>	Low	<p>We will enforce that responses are always provided on the applicable pro forma letter. This will be monitored by the Office and Volunteer Manager.</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>

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	the pro forma response letters of which there are five to cover a of number outcomes of requests.			<ul style="list-style-type: none"><li>Decline due to personal data;</li><li>Information requested available already elsewhere;</li><li>Information not held by OPFCC; and</li><li>Decline due to cost involved in search.</li></ul> <p>It was noted in our testing that of the 15 FOI requests, three responses had not been provided to the querent on the pro forma template. While this is not against the letter of the FOI Process, there is a risk that the querent is not provided with all relevant information including a clearly worded outcome/decision as well as how they can complain.</p> <table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>Querents are not provided with the required, or sufficient, information in the response to their request.</td><td>Pro forma templates are not used when responding to FOI requests.</td></tr></table> <p>Within the FOI Process, it notes that responses are to be reviewed by an Assistant Chief Executive (ACE) 'in all cases'. In discussion with the Office and Volunteer Manager it was noted that not all responses require review by an ACE, in particular those where OPFCC does not hold the information requested by the querent. The FOI Process should be revised to guide users as to which responses require review by an ACE prior to issuing to the querent.</p> <table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>Delays to responding to FOI requests, potentially breaching the 20-working day deadline.</td><td>Unnecessary review by an ACE of standard responses to FOI requests.</td></tr></table>	Risk exposure	Root cause	Querents are not provided with the required, or sufficient, information in the response to their request.	Pro forma templates are not used when responding to FOI requests.	Risk exposure	Root cause	Delays to responding to FOI requests, potentially breaching the 20-working day deadline.	Unnecessary review by an ACE of standard responses to FOI requests.	Low	<p>We will:</p> <ul style="list-style-type: none"><li>include guidance in the FOI Process document regarding which requests need ACE review (as well as that the guidance is not catch-all);</li><li>document the governance framework for reporting and monitoring in the FOI Process document; and</li><li>present the FOI Process document to the Police Fire and Crime Panel for their oversight and challenge. We will incorporate any revisions to the FOI Process raised in this review.</li></ul> <p><b>Implementation date</b></p> <p>31 January 2021</p>
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				<p>It was noted in our discussion with the Office and Volunteer Manager and the ACE that the FOI Process is not currently presented to a Committee/Board for review and approval. The process should be presented to an appropriate Committee/Board to ensure there is the opportunity for senior/executive management to scrutinise the process as well as to improve the visibility/knowledge of the process among the wider workforce which will in turn increase accountability on those involved in the FOI process.</p> <table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>FOI processes are not fit-for-purposes or not well known among senior/executive management.</td><td>No review and scrutiny of FOI processes by senior/executive management.</td></tr></table>	Risk exposure	Root cause	FOI processes are not fit-for-purposes or not well known among senior/executive management.	No review and scrutiny of FOI processes by senior/executive management.		<p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>
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FOI processes are not fit-for-purposes or not well known among senior/executive management.	No review and scrutiny of FOI processes by senior/executive management.									
2	FOI requests can be made through a number of means but must all be processed through the info@northyorkshire-pfcc.gov.uk inbox which automatically logs the request on the tracking system through which FOI requests are managed and monitored. There is a field within the tracking system to denote the original source of the request.	Yes	No	<p>As per the FOI Process, FOI requests received through any means must be forwarded to the info@northyorkshire-pfcc.gov.uk inbox which automatically logs the request onto the tracking system Within the tracking system, there is a field which identifies the source (contact type) of the request. Contact types include:</p> <ul style="list-style-type: none"><li>• Campaign Card;</li><li>• Email;</li><li>• Letter;</li><li>• Meeting;</li><li>• Other;</li><li>• Public meeting;</li><li>• Social media;</li><li>• Surgery;</li><li>• Telephone call; and</li><li>• Visit of office.</li></ul>	Low	<p>We will include in the summary section of the tracking system:</p> <ul style="list-style-type: none"><li>• where referrals have come from other bodies (i.e. NYP CDU) - this will support OPFCC compliance when 20-day deadlines are missed due to requests not being forwarded in a timely fashion;</li></ul>				

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management				
				<p>Requests made through social media would be picked up the OPFCC's Media Officer who monitors the OPFCC's social media pages.</p> <p>While requests are progressed through the tracking system, for analysis purposes the Office and Volunteer Manager maintains an offline spreadsheet, Combined FOI Log, in which she monitors adherence to the 20-working day response deadline. To ensure the completeness of the information on the Combined FOI Log spreadsheet, we compared the information to a download of requests logged on the tracking system which confirmed all requests had been included in the offline spreadsheet.</p> <p>We sampled 15 FOI requests from the Combined FOI Log to agree back to the source request. Our testing confirmed that for all 15 requests, the source request had been retained. In 10 cases, the source request was a direct email from the querent while in the remaining five cases the source of the request was an email from another body.</p> <p>There is a limitation in the tracking system that requests which have originated from another body (i.e. North Yorkshire Police Civil Disclosure Unit, which manages NYP FOI requests) cannot be flagged as such. Our testing revealed that this was often the cause of responses exceeding the 20-working day deadline (in five of 15 cases).</p>		<ul style="list-style-type: none"><li>the date the request was assigned and to whom. We will also include the initial deadline for response (20 working days from the day following receipt); and</li><li>any requests for extension with rationale and ensure also an email is sent from the tracking system to querent. This procedure will be written into the FOI Process document. To include reference to 'public interest test', Section 10(3).</li></ul> <p>We will replicate the aforementioned in the tracker/analysis spreadsheet</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>				
				<table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>OPFCC cannot evidence that the cause of exceeding the 20-working day deadline to respond is due to other bodies not forwarding requests or providing information in a timely manner.</td><td>Delays to responding to FOI requests outside of the OPFCC's control.</td></tr></table>	Risk exposure	Root cause	OPFCC cannot evidence that the cause of exceeding the 20-working day deadline to respond is due to other bodies not forwarding requests or providing information in a timely manner.	Delays to responding to FOI requests outside of the OPFCC's control.		
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3	<p>FOI requests sent through the info@northyorkshire-pfcc.gov.uk inbox is automatically acknowledged with an auto response email.</p> <p>It is the responsibility of the Diary and Secretary Correspondence Officer to acknowledge requests and assign to the appropriate individual who will manage the response.</p>	Yes	No	<p>It is the responsibility of the Diary and Secretary Correspondence Officer to acknowledge requests and assign to the appropriate individual who will manage the response. There is an auto response for emails received into the info@northyorkshire-pfcc.gov.uk inbox; our review noted, however, that the information provided in the auto response does not explicitly refer to the FOI process. The information should be updated to include reference to the FOI process to bolster confidence in the querent that their request will be processed appropriately.</p> <p>In addition to the automated response, the Diary and Secretary Correspondence Officer follows up with a manual email to acknowledge receipt of the request. The Office and Volunteer Manager noted that the latter process has only just recently been introduced as standard since she assumed responsibility for FOIs since July.</p> <p>Of the 15 requests sampled, manual acknowledgement of the request could only be evidenced in four cases. Of the remaining 11 requests, five were from the period January to April, five were from the period May to August and one was from October. Also five of these 11 requests had been received initially by another body (i.e. NYP CDU, NY OPFCC CRU (Central Referral Unit), Cleveland OPCC).</p> <table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>Querents are not made aware of the OPFCC's FOI processes, potentially causing operational disruption due to frequent chasing of responses.</td><td>Information relating to the OPFCC's FOI processes are not made easily available to querents.</td></tr></table> <p>The Office and Volunteer Manager records in her Combined FOI Log analysis spreadsheet the dates requests were received and the dates when they were assigned ('Opened OPFCC'). There is a limitation, however, in the tracking system regarding provision of an audit trail of dates.</p>	Risk exposure	Root cause	Querents are not made aware of the OPFCC's FOI processes, potentially causing operational disruption due to frequent chasing of responses.	Information relating to the OPFCC's FOI processes are not made easily available to querents.	Low	<p>We will update the auto response to include reference to the FOI process.</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>
Risk exposure	Root cause									
Querents are not made aware of the OPFCC's FOI processes, potentially causing operational disruption due to frequent chasing of responses.	Information relating to the OPFCC's FOI processes are not made easily available to querents.									

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				<p>The Office and Volunteer Manager noted that the 'Review Date' field is used to track the progress of requests (i.e. when the Diary and Secretary Correspondence Officer assigns requests she inputs a Review Date of five working days from the date of assignment and not the ultimate 20 working day deadline.</p> <p>The individual assigned a request moves the deadline forward to track their progress in gathering the information requested in a timely manner).</p> <p>Of the 15 cases in our sample, 11 had been assigned ('Opened') within one working day of receipt. Two of those assigned more than one working day after receipt of the request were FOI requests relating to the NYP back log, while the remaining two were from May (four working days from receipt) and October (four working days from receipt). A corresponding management action has been raised to address this issue; please refer to Control 2.</p> <table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>The 20-working day deadline for response is exceeded.</td><td>The dates of assignment and deadline for response are not recorded clearly for quick reference.</td></tr></table>	Risk exposure	Root cause	The 20-working day deadline for response is exceeded.	The dates of assignment and deadline for response are not recorded clearly for quick reference.		
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The 20-working day deadline for response is exceeded.	The dates of assignment and deadline for response are not recorded clearly for quick reference.									
4	Responses to FOI requests within the required 20 working days are monitored by the Office and Volunteer Manager in an offline spreadsheet, Combined FOI Log.	Yes	No	<p>We reviewed a copy of the Office and Volunteer Manager's offline Combined FOI Log spreadsheet which confirmed that in practice the Office and Volunteer Manager is monitoring the time elapsed between receipt of requests, 'Received', and response to requests, 'Closed', and marks those responded to within 20 working days as 'Compliance' [sic]. We did note, however, that the 20 working day deadline has included the date of receipt which is not in line with the ICO guidance which states 'Authorities must respond to requests promptly, and by the twentieth working day following the date of receipt of the request' (Section 10 of the Freedom of Information Act).</p> <p>Of the 15 requests sampled, we were provided with copies of the source responses for all 15.</p>	Low	We will update the tracker/analysis spreadsheet to commence 20 working day deadline from the day following receipt of the FOI request (as per the ICO guidance). This change to procedure will be written into the FOI Process document.				

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management
				<p>Of the 15 requests sampled, as per the Combined FOI Log, seven had been responded to within the required 20 working days, while eight had exceeded the 20-working day deadline.</p> <p>In six of the 15 cases, the date logged as the Received date did not match with that of the source request; however, four relate to requests which had been forwarded from another body. Specifically:</p> <ul style="list-style-type: none"> <li>• NY5096 - source request email into CDU 27 January 2020 (date forwarded from CDU could not be determined, relates to back log), Received date as per Combined FOI Log 07 April 2020;</li> <li>• NY5294 - source request email from querent 18 May 2020, Received date as per Combined FOI Log 19 May 2020;</li> <li>• NY5298 - source request email from querent 11 May 2020 (date forwarded from Cleveland OPCC Community Hub 20 May 2020), Received date as per Combined FOI Log 20 May 2020;</li> <li>• NY5395 - source request email from querent 01 July 2019 (date forwarded from NYP Legal Officer - CDU 19 June 2020), Received date as per Combined FOI Log 19 June 2020;</li> <li>• NY5489 - source request email from querent 25 June 2020 (date forwarded from NYP Legal Officer - CDU 23 July 2020), Received date as per Combined FOI Log 23 July 2020; and</li> <li>• NY5709 - source request email from querent 12 November 2020, Received date as per Combined FOI Log 13 November 2020.</li> </ul> <p>In four of the 15 cases, the date logged as the closed date did not match with that of the source response. Specifically:</p> <ul style="list-style-type: none"> <li>• NY4928 - source response email sent 07 February 2020, Closed date as per Combined FOI Log 21 February 2020;</li> <li>• NY5009 - source response letter dated 06 April 2020, Closed date as per Combined FOI Log 07 April 2020;</li> </ul>	Medium	<p>We will also ensure dates requests received and responses issued are accurately reflected in the Combined FOI Log spreadsheet for reporting purposes.</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p> <p>We will work through backlog of disclosures and publish on the website.</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>

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- NY5488 - source response letter dated 27 August 2020, Closed date as per Combined FOI Log 01 September 2020; and
- NY5489 - source response letter dated 27 August 2020, Closed date as per Combined FOI Log 01 September 2020.

Re-analysis of our sample to exclude the date of receipt from the 20 working day deadline for response and to agree the dates of receipt and response to the source documentation revealed that nine of the 15 cases had in fact been responded to within the required 20 working days (compared with seven as per the internal calculation).

Risk exposure	Root cause
There is undue pressure on the OPFCC to turnaround FOI requests.	Inclusion of the day of receipt in the 20-working day deadline, in effect reducing the deadline by a day.

The last disclosure (i.e. outcome of an FOI request) on the Disclosure Log on the OPFCC website was published on 6 April 2020. We discussed the rationale for the lack of updates to the Disclosure Log with the Office and Volunteer Manager who noted that it had been caused due to dealing with the backlog of requests transferred from the CDU as well as embedding of the OPFCC's own FOI processes. The Office and Volunteer Manager confirmed that any responses which are publishable are with the Media Officer to be published and that a new process has been included in the most recent revision of the FOI Process (a copy of which was provided). This process stipulates that as soon as the response is sent to the querent a copy is added to an internal folder; this acts as notification to the Media Officer to publish the response on the website.

Public authorities must publish outcomes of FOI requests (disclosures) as required by the Freedom of Information Act: 'Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by the Act'.

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				<table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>The OPFCC is not adhering with the FoIA requirement to be transparent in its responses to its FOI requests.</td><td>Responses are not published in a timely manner on the OPFCC Disclosure Log.</td></tr></table>	Risk exposure	Root cause	The OPFCC is not adhering with the FoIA requirement to be transparent in its responses to its FOI requests.	Responses are not published in a timely manner on the OPFCC Disclosure Log.		
Risk exposure	Root cause									
The OPFCC is not adhering with the FoIA requirement to be transparent in its responses to its FOI requests.	Responses are not published in a timely manner on the OPFCC Disclosure Log.									
5	<p>The Office and Volunteer Manager should contact the querent to update and manage expectations at any time where there is an indication the response will be later than the 20 working days.</p> <p>There is a traffic light reminder in the tracking system which draws the attention of users to the status of the requests assigned to them.</p>	Yes	No	<p>It was noted in discussion with the Office and Volunteer Manager that the team has not been notifying querents as standard ahead of time where responses are likely to exceed the 20 working day deadline nor has the team been formally documenting the rationale for responses exceeding the 20 working day deadline. As per the ICO guidance, extensions of up to an additional 20 working days must be within the 'public interest'. There is a risk if the OPFCC is not recording the rationale for exceeding the initial 20 working day deadline for response that they cannot prove it was in the 'public's interest'. Similarly, not notifying querents that the response to their request will not be issued within the required 20 working days could results in reputational damage. A corresponding management action has been raised to address this issue; please refer to Control 2.</p> <p>Of the 15 requests in our sample, eight were responded to outside of the 20-working day deadline. Of the eight, we could evidence chasing of progress in five cases; however, chasing was found in two cases to have occurred long after the deadline had been surpassed. Specifically:</p> <ul style="list-style-type: none"><li>NY5210 - request received 30 April 2020, email to ACE chasing response 26 June 2020 (39 working days from receipt), outcome information disclosed; and</li><li>NY5294 - request received 18 May 2020, first email to NYP requesting information 28 July 2020 (50 working days from receipt), outcome information not held by OPFCC.</li></ul> <p>We were provided with an example of a recent request where the Office and Volunteer Manager had added a reminder to her Outlook calendar to review its progress on the fifteenth working day (7 December 2020) from receipt (16 November 2020). We confirmed to the tracking system that the Review Date had been set to 11 December 2020 (the nineteenth working day from receipt).</p>	Low	<p>We will create a pro forma letter for notifying querents of requests for extensions. To include reference to 'public interest test', Section 10(3). We will liaise with CDU to acquire their template.</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>				

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				<p>There is also a traffic light reminder in the tracking system which assigns a RAG rating to requests as per the following criteria:</p> <ul style="list-style-type: none"><li>• Red - due today or due date has passed;</li><li>• Orange - due within one week;</li><li>• Green - due within two weeks; and</li><li>• Black - due beyond two weeks.</li></ul> <table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>The OPFCC is exceeding the 20-working day deadline for responses where there is legitimate cause but is not making the querent aware in due course of the need for an extension.</td><td>OPFCC is not proactively requesting extensions where applicable and making querents aware.</td></tr></table> <p>We noted in our review that currently there is no pro forma letter template for notifying querents of extensions. A template should be created as this will likely increase adherence to the extension request process, particularly notifying the querent in due time, for those requests where responses within the initial 20 working days is unachievable.</p> <table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>The rationale for exceeding the 20-working day deadline cannot be evidenced where legitimate.</td><td>Legitimate extensions to the 20-working day deadline are not being raised.</td></tr></table>	Risk exposure	Root cause	The OPFCC is exceeding the 20-working day deadline for responses where there is legitimate cause but is not making the querent aware in due course of the need for an extension.	OPFCC is not proactively requesting extensions where applicable and making querents aware.	Risk exposure	Root cause	The rationale for exceeding the 20-working day deadline cannot be evidenced where legitimate.	Legitimate extensions to the 20-working day deadline are not being raised.		
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Risk exposure	Root cause													
The rationale for exceeding the 20-working day deadline cannot be evidenced where legitimate.	Legitimate extensions to the 20-working day deadline are not being raised.													

6	<p>There is a Complaints procedure on the OPFCC FOI webpage. Users are also provided with information on how to raise a complaint on receipt of their response in the pro forma response letter templates.</p> <p>Responses to complaints received are due within 20 working days of receipt, as set internally.</p>	Yes	No	<p>It was confirmed with the Office and Volunteer Manager that there had been no formal complaints received in the current year on the back of FOI responses issued to querent but that there had been one instances where an informal grievance had been received relating to an FOI request, the outcome of which was that the information was not held by OPFCC.</p> <p>Provision of a response had taken 109 working days (request received 18 May 2020; response issued 20 October 2020). The querent emailed his grievance the day following issue of the response (21 October 2020). The Office and Volunteer Manager noted that no response to the querent's follow up email had been issued by the OPFCC but that a proposed OPFCC response to the grievance had been drafted by the Office and Volunteer Manager and shared with the ACE via email on 29 October 2020 (6 working days from receipt of the grievance). The Office and Volunteer Manager noted that their proposed response had not been shared with the querent as they were waiting on him to take further action (i.e. raise a formal complaint).</p> <p>The OPFCC should respond to any feedback to FOI responses, both negative and positive, so as to mitigate any potential reputational damage.</p> <p>We did note, however, in the Office and Volunteer Manager's email to the ACE that on the back of the grievance received lessons learned from the case had been incorporated into its processes, namely the introduction of 'additional monitoring mechanisms to prevent such instances in the future'.</p>	Low	<p>We will introduce responses to informal complaints as standard, to mitigate risk of escalation to formal complaint / reputational damage. This procedure will be written into the FOI Process document.</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>				
<table><tr><th>Risk exposure</th><th>Root cause</th></tr><tr><td>Potential reputational damage due to a perceived lack of customer service.</td><td>Querent's grievances are not being acknowledged.</td></tr></table>							Risk exposure	Root cause	Potential reputational damage due to a perceived lack of customer service.	Querent's grievances are not being acknowledged.
Risk exposure	Root cause									
Potential reputational damage due to a perceived lack of customer service.	Querent's grievances are not being acknowledged.									

7	<p><b>Partially missing control</b></p> <p>The governance framework relating to the reporting of FOI requests and compliance with the FoIA is clearly documented.</p> <p>The Office and Volunteer Manager, the ACEs, and the wider Complaints and Correspondence Team members have twice weekly 'scrum down' meetings where open FOI requests are discussed operationally.</p> <p>FOI compliance is reported through the NY OPFCC Police, Fire and Crime Panel as well as at Public Accountability Meetings.</p>	No	-	<p>It was confirmed in discussion with the ACE and the Office and Volunteer Manager that FOI compliance is regularly presented to the Police, Fire and Crime Panel.</p> <p>It was noted in the minutes from the meeting that the ACE had raised an item of business to draw the Panel's attention to the fact that as a result of compliance rates for FOI requests at both the OPFCC and NYP having dipped significantly in the previous year both bodies had been monitored by the ICO at the beginning of this year but that the OPFCC had since been removed from the ICO monitoring list.</p> <p>In addition, it was noted that a substantive item in relation to FOI performance is on the agenda for presentation at the next Police, Fire and Crime Panel meeting, scheduled for 14 January 2021.</p> <p>We also confirmed that FOI compliance was presented at the 24 November 2020 Public Accountability meeting, a recording of which has been uploaded to the OPFCC website.</p> <p>Currently, FOI requests are reported quantitatively to show the number of FOIs received and the number outstanding as well as the percentage responded to within/outside of the 20-working day deadline. No qualitative information relating to FOI requests is currently provided, such as lessons learned, themes, nor is the number of requests across the various contact types (sources), or the occurrence of outcomes. Recording the aforementioned information in the Combined FOI Log spreadsheet will facilitate reporting of these metrics, which will in turn improve the transparency of the FOI process.</p> <p>The Office and Volunteer Manager noted that FOI requests are discussed operationally at the twice weekly 'scrum-down' meetings, attended by the Office and Volunteer Manager and the ACEs, who would discuss any FOIs received, closed, any complaints, themes etc. We were provided with the papers shared ahead of a meeting held between the Office and Volunteer Manager and the ACEs at which discussion of proposed revisions to FOI process as well as FOI compliance data was planned, as well as sharing of outcomes of earlier 'scrum-down' meetings with the attendees post-meeting.</p>	Low	<p>We will include in FOI reporting outcomes as well as sources (contact type) of requests. To support this, we will add Outcome and Contact Type columns to the tracker/analysis spreadsheet.</p> <p><b>Implementation date</b></p> <p>31 January 2021</p> <p><b>Responsible owner</b></p> <p>Office and Volunteer Manager</p>
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Risk exposure	Root cause
Insufficient level of scrutiny of FoIA compliance by Committee/Board.	Information provided to Committee/Board does not allow for robust scrutiny.

Currently, the aforementioned governance framework is not documented. There is a risk that FOI compliance is not monitored and challenged at the appropriate fora nor is it presented with sufficient frequency. A corresponding management action has been raised to address this issue; please refer to Control 2

Risk exposure	Root cause
FoIA compliance is not being presented for review and challenge at the appropriate fora.	The governance framework is not documented.

# APPENDIX A: SCOPE

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

## Objective relevant to the scope of the review

The internal audit assignment has been scoped to provide assurance on how the Police, Fire and Crime Commissioner for North Yorkshire manages 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 (Fol) requests are processed within statutory timeframes.


## Scope of the review

Our review will focus on the following areas:

- Policies and procedures are in place, reflecting current operating practices.
- Fol 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 including those made via social media;
  - assignment of requests to individuals;
  - initial response to a requestor within 20 days;
  - where applicable notifying the requestor when a reasonable extension to the 20-day limit is required; and
  - informing the requestor of the associated cost.
- Refusal to disclose information is supported by appropriate evidence.
- The internal review process is adhered to where the requestor raises a complaint. This will include selecting a sample of reviews to ensure that they are followed up in a timely manner.
- The reporting of compliance statistics within the organisation, and action plans put in place to address underperformance where applicable.

### The following limitations apply to the scope of our work:

- We will not comment on the appropriateness of the decisions made by the Commissioner's office 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.

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- We will not confirm the organisation has dealt with all 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 January 2020 onwards.
  - We will not confirm full compliance with the act as testing will be completed on a sample basis.
  - Our work does not provide absolute assurance that material errors, loss or fraud do not exist.

## APPENDIX B: FURTHER INFORMATION

### **Persons interviewed during the audit:**

- Office and Volunteer Manager
- Interim Assistant Chief Executive and Deputy Monitoring Officer

### **Documentation reviewed during the audit:**

- Combined FOI Log
- Draft OPFCC FOI Process V0.2 29.10.2020
- Police, Fire and Crime Panel minutes
- Freedom of Information and Subject Access Request Compliance presentation

## FOR FURTHER INFORMATION CONTACT

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