Registers of Scotland

Executive Management Team

20 August 2020

Transparency project transfer to business as usual

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Paper Author must complete this section before submitting to Secretariat

Aligns with which Corporate Plan Objective: - ……………………………………….

Addresses which Corporate Risk: - ……………………………………………….

Cleared by which Director: - …Corporate Director……………………………..

Previously discussed and supported at (tick as appropriate)**:**
☐ **ARC**   ☐ **PPG**   ☐ **SWPG**   ☒ **BPB**   ☐ **ISG**   ☐ **IAG**   ☐ **EMG**
☐ **DA**   ☐ **EMT CG**   ☐ **EMT IB**

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Purpose

1.   This paper provides an update to EMT on the proposed high-level plan for taking forward outstanding actions from the Transparency project.

2.   To seek approval of the Openness and Transparency Policy (Annex A) with permission to publish it internally (RoSnet) and externally (RoS website).

Recommendation

3.   It is recommended that EMT note the contents of the paper and agree the actions to be taken forward by the Information Governance, Secretariat and Communications teams.

Background

4.   The Transparency project ran from November 2019 to June 2020 and aimed, through improving the maturity level of RoS publication practice, to improve the organisation's transparency and accountability to customers and the public, which is an important policy objective and a key driver for RoS's credentials as a trusted public body and custodian of data.

5.   The project achieved its phase one objectives, including closing the compliance gap with regard to the publication requirement of the Scottish Information Commissioner's Model Publication Scheme.

6. In June 2020 the decision was made to close the Transparency project, with outstanding actions transferred, with appropriate owners identified, to business as usual practice.

Actions transferred to business as usual

7. The following outstanding actions were identified in the project closure report:

Action	Responsible	Supporting
Collate feedback from Board paper pilot, compile report with recommendations, present to governance groups as required	IG	
Use feedback to update RoS Board process, from writing through to publication	IG	Comms, Secretariat
Share Writing for Publication guidance with members of the C1 / C2 community	Secretariat	IG, Comms
Plan communications with the wider organisation (RoSnet article(s))	Comms	IG, Secretariat
Review options for next phase	IG	

8. Actions planned for further phases of the project included:

- Establish policy and methodology for FOI request publication
- Establish and deliver plan for maturity level move from 'Adequate' to 'Good'

9. The first two actions listed in the table above are underway and can be completed with minimal resource cost.

10. The 'next phase' actions will focus on a plan to improve the RoS rating based on the OSIC self-assessment criteria, which encompasses the publication of FOISA request responses. Specific actions proposed to achieve this are outlined in Annex B.

11. The first phase of this work will build on work initiated as part of the project and will concentrate on:
- Raising awareness in RoS of the work completed during the project and of our commitment to transparency and publication (as set out in the Openness and Transparency policy)
- Publishing FOISA request responses
- Establishing a bi-annual review process for the Guide to information

12. Further phases of work will look to achieve a 'good' rating against other aspects of transparency and publication:
- Phase 2 – Support for public access
- Phase 3 – Public interest

13. A maximum two-year timescale is proposed, depending on resource availability across the collaboration teams and within the context of business priorities competing

for those resources. Activities outlined for phase 1 build on work already initiated while phases 2 and 3 have dependencies beyond the IG function.

14.   The development and successful completion of this work will require a continued collaborative approach, with the Information Governance team working with key colleagues, particularly those in the Secretariat and Communications teams. Each relevant area will require to be appropriately resourced and will need to prioritise the work accordingly.

Policy Indicators

15.   On closure of the project, BPB also asked the IG team to carry out an evaluation of the policy and procedures over the first 12 months of practice. The following policy indicators will be used for evaluation:

Policy point	Indicator/s of practice
RoS leadership will promote publication, challenging decisions not to publish	Activity to promote publication Information published Information deemed unsuitable for publication and reasons for this
Practice will be clear for internal and external stakeholders, and we will make the publication of information an essential element of the forward planning process.	Publication of policy on RoSnet and external website Writing for publication published on RoSnet Publication clearance included on key documents
Colleagues will be equipped with the knowledge and skills to effectively operate our practice and procedures.	Awareness of guidance among paper authors Feedback on guidance Number and nature of internal enquiries regarding publication
Mechanisms to monitor public interest enabling stakeholders to inform our publication policy and practice.	Phase 3 activity - unlikely to demonstrate progress during first 12 months
User-focussed approach to publication to ensure that our varied audiences have a positive experience. Information published will be accurate, accessible and made available in a timely manner.	Progress towards accessible publication of all information on RoS website (Phase 2) Number and nature of external requests and enquiries relating to information published under new processes (eg Board papers) Timeliness of publication (ie lag between creation/approval and publication)
Our practice will be fair and lawful, appropriately balancing rights and obligations, e.g. privacy and commercial sensitivity, with our commitment to transparency.	Information deemed unsuitable for publication and reasons for this

16.   Ownership at governance level will sit with the Information Assurance Group (IAG) who will ensure that deliverables are pursued within the minimum possible timeframe and that key performance indicators are reviewed at three-month intervals.

Conclusion

17.   Embedding the outstanding objectives of the Transparency Project into business as usual should focus initially on building on the work initiated during the project, with the aim of achieving a 'good' rating against the OSIC self-assessment criteria over time. Its achievement will require ongoing collaboration between Information Governance, Secretariat and Communications teams, and will benefit from continued support and oversight through the corporate governance framework.

18.   The proposed plan places RoS in a strong position to begin to layer in the principles of openness and transparency, as set out in the Openness and Transparency Policy, into forthcoming public facing consultations, and furthermore provides strong and demonstrable evidence of intentions and activity.

Information Governance Service Manager   **Head of Information Governance**
Risk and Information Governance   **Risk and Information Governance**

13 August 2020

Annex A: Openness and Transparency Policy – for approval

Openness and Transparency policy

1. Purpose and scope

1.1 This policy sets out the commitment of the Keeper of the Registers of Scotland (RoS) to promote openness, transparency and accountability in public life. RoS is a public registration organisation – openness and transparency lie at the heart of who we are.

1.2 RoS recognises the increasing public expectations in respect of openness and transparency, and the desire of stakeholders to understand how public bodies perform, operate, make decisions and spend money. We aim to meet these expectations, and to keep pace with good practice.

1.3 RoS recognises the powerful role that effective public scrutiny can play in driving good governance within public bodies, thereby serving the public interest. We will invite and facilitate effective public scrutiny of our organisation.

2. Openness and Transparency

2.1 Openness is an attitude. We will promote an organisational culture which displays this attitude. Our organisational leadership will promote openness by default, whether by driving transparency, or by inviting scrutiny. We will create opportunities for stakeholders to ask and challenge us, and we will listen to them.

2.2 Transparency is a process. We will engage fully with our obligations to make certain information publicly available, and will go beyond these to identify and publish information in the public interest. We will do this through leadership, practice, training, monitoring public interest, user focus, fairness and lawfulness.

> 2.2.1 Our organisational **leadership** will promote publication of information wherever appropriate, challenging decisions not to publish information, and remaining alert to changes in the public interest. We will publish information about our performance, operations, decisions and spending wherever it is appropriate to do so.

> 2.2.2 Our **practice** will be clear for internal and external stakeholders, and we will make the publication of information an essential element of the forward planning process.

> 2.2.3 Our **colleagues** will be equipped with the knowledge and skills they need to effectively operate our practice and procedures.

> 2.2.4 Our mechanisms to monitor the changing **public interest** will create opportunities for stakeholders to inform our publication policy and practice. We will proactively engage with audiences to better understand their needs.

Publication decisions will be driven by public interest, with the assumption in favour of publication.

2.2.5 Our **user-focussed** approach to publication will ensure that our varied audiences have a positive experience. The information we publish will be accurate, accessible and made available in a timely manner, without unnecessary delay. We will optimise the value of the information that we publish by being clear about its context and purpose.

2.2.6 Our practice will be **fair and lawful**, appropriately balancing all rights and obligations, such as individual privacy and commercial sensitivity, with our commitment to transparency. We will not routinely publish information pertaining to individual cases (for example regarding the registration of a particular property), other than in line with our statutory obligations.

4. Roles and responsibilities

4.1 All RoS staff and contractors must operate the various procedures and controls which facilitate the fulfilment of this policy in practice.

4.3 RoS Executive Management Team (EMT) are accountable for the fulfilment of this policy.

4.4 RoS Board, and Audit and Risk Committee are responsible for monitoring and supporting RoS performance by constructively challenging to ensure compliance with policy requirements.

5. Approval and review

This policy will be reviewed and approved at two year intervals, unless earlier review is appropriate.

Signed	Keeper of the Registers of Scotland
Signed	Corporate Director
Approved	Executive Management Team
Contact	rossecretariat@ros.gov.uk

Annex B: RoS Publication Scheme Improvement

Actions required to move from adequate to good in the OSIC self-assessment criteria

Adequate criteria	Good criteria	Actions required	When and who
Leadership (Phase 1)			
Internal corporate commitment to publishing information	Public corporate commitment to publishing information, supported by some evidence of leadership	Publication of the Openness and Transparency policy on RoSnet and the RoS website	IG team Communications July 2020
		Agreed responsibility for lead role in publication (ie IG team with support from Communications)	Complete
		Named EMT/IAO sponsor for transparency and publication	EMT
Business areas absorb additional costs for publication	Additional resources have been identified for publication work in some priority areas	IG team and Communications to plan for resource required for regular bi-annual review of Guide to Information and subsequent publication of information	IG team Communications
Decision-making sometimes favours publication	Decision making often favours publication, but not always	Process for publication of Board papers favours publication, papers taken in private by exception Openness and Transparency policy sets out senior management commitment	Complete
		Policy commitment to be cascaded to C1/C2 level management	IG team EMT/IAO sponsor August 2020

		Create methods for regular monitoring and reporting on publication	IG team
Managers and leaders sometimes challenge reasons not to publish information	Managers and leaders often challenge reasons not to publish information	As above	NA

Practice (Phase 1)			
Guide to information content meets the minimum requirements of the MPS	Guide to information exceeds the minimum requirements of the MPS	Publication of FOISA request responses	IG team Communications
		Consultation with business areas to identify additional information suitable for publication	IG team
		Create an account of types of information published and add to Guide to information	IG team
Processes to ensure routine updating of the Guide to Information by most business areas	Processes ensure routine updating of the Guide to Information by all business areas	Process for bi-annual review of the Guide to Information to be formally created	IG team in consultation with all business areas
Guide to information reviewed at least annually; findings reported at senior level	Guide to information reviewed at least six monthly; finding reported to senior managers	Instigate regular, 6 monthly reviews of the Guide to Information Report findings to PPG	IG team
	Publishing information is an integral part of some forward planning processes	Integrate questions about publication of information into project planning and other planning processes	BPB and other relevant governance groups

Guidance & training (in relation to publication of information, not general FOISA training) (Phase 1)			

Only FOI staff appropriately trained. Limited training available for other staff	Majority of staff appropriately trained	Identify staff who require training (eg Board paper authors, Communications, Secretariat, IG team)	IG team
		Work with HR Learning and Development team on a plan for supported delivery	HR
Access to some guidance	Some staff have access to guidance, updates and refresher training	Creation of guidance on publication Regular updates as appropriate	IG team Secretariat
Infrequent or ad hoc updates and refresher training	Updates to all staff are provided only as required	Programme of refresher training	HR
Public interest (Phase 3)			
Limited processes to monitor public interest in authority information	Infrequent, but established processes to monitor public interest in authority information	Regular analysis of FOI requests received Build in analysis from Customer Services and Communications (social media and website traffic)	IG team – ongoing and is currently in place Communications Customer Services
Limited stakeholder consultation to identify information needs and wants	Infrequent stakeholder consultation to identify information needs and wants	Look to build this type of consultation into existing consultation exercises carried out (eg customer satisfaction surveys)	Customer Services Communications
New information rarely added to Guide to Information in response to public interest	New information often added to Guide to Information in response to public interest	Review above exercises and make recommendations for future publication	IG team
Support for public access (Phase 2)			
All information in the Guide to Information meets the 6 MPS principles	All information in the Guide to Information meets the 6 MPS principles	Assess current provision against the 6 principles and make recommendations for improvement where necessary.	IG team Communications

		In particular: • Availability and formats • Exempt information • Charges	
Charging policies are clear and easy to find	Charging policies are clear and easy to find	Clearly publish information in relation to charging for information made available through the Guide to Information	Communications in collaboration with teams providing charged for information
Advice and assistance to access information is usually available	Advice and assistance to access information is readily available	Ensure clear information is provided on how people can get advice and assistance Investigate feasibility of creating online help or FAQs	Communications
People with special support needs can generally get information in the formats they need	People with special support needs can easily get information in the formats they need	Assess currently available information for accessibility Evaluate current provision of information for people with special support needs (including disabilities and other languages) and make recommendations for improvement	Communications
There is occasional thought to the needs of the recipients	Published information is generally focussed on the needs of the recipients	Relevant information included in document preparation guidance All information reviewed before publication	Communications