Timeliness of responses to information access requests by police forces in England, Wales and Northern Ireland – a follow-up

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ico.
Information Commissioner's Office

Contents

Executive summary

This is the follow-up to an ICO programme of work which explored the [Timeliness of responses to information access requests by police forces in England, Wales and Northern Ireland](#).

That work culminated in a report which we published in November 2020. The report presented the results of our monitoring and engagement with 11 underperforming police forces. We shared good practice that was taking place across the police sector, and made a series of recommendations to forces. These were designed to improve compliance with the statutory timeliness provisions in information rights legislation.

Our follow-up explores the impact of that report across the police sector and whether forces that underwent the monitoring and engagement process continued to improve. We did this through a survey of all police forces in England, Wales and Northern Ireland, as well as workshops with the forces that went through the monitoring and engagement process.

Aims

This follow-up aims to:

- explore whether police forces took up the recommendations from our November 2020 timeliness report, and whether they had positive results;
- present our analysis of the data on police compliance with information request timeliness for the period since our report was published;
- evaluate the effectiveness of our programme of monitoring and engagement; and
- share the experience of changes that police forces have made in order to drive compliance.

Key findings

1 The report was positively received by the police and its recommendations were taken up by the majority of forces.

2 Since the report was published, the police sector has improved compliance with the timeliness provisions of data protection legislation and the Freedom of Information Act 2000 (FOIA). However more needs to be done, and questions remain about resilience when unexpected peaks in demand arise.

3 The forces that underwent ICO monitoring and engagement have improved their compliance rates. Their rate of improvement was stronger than that of the sector as a whole and stronger than that of forces with equivalent workloads that did not go through the monitoring and engagement process.

4 Swift action to change the way forces worked meant that overall the COVID-19 pandemic had a broadly neutral impact on the police's information request capability.

5 The ability to achieve compliance remains strongly linked to resourcing and accountability.

Background

In November 2020 the ICO published the results of a programme of work about police forces and their compliance with the timeliness provisions of information access legislation.

The work followed concerns about their ability to consistently comply with the law about timeliness as detailed in the UK GDPR, the Data Protection Act 2018 and the Freedom of Information Act 2000. These legislations each carry clear time limits for responding to information requests, however the data we had suggested they were being breached by the police in too many instances.

Forces described to us a 'perfect storm' of changes that had resulted in an increase in the volume and complexity of information governance work against a background of reduced budgets, including:

- a substantial increase in request numbers;
- competing priorities on information governance functions, such as court orders; and
- new complexities, such as the appropriate disclosure of footage collected from body-worn cameras.

As the regulator overseeing the legislation we initiated a project to improve information request timeliness within the police sector. It involved monitoring a group of 11 underperforming police forces by analysing their performance statistics and then working with them to initiate an action plan for improvement. It also involved working with the National Police Chief's Council (NPCC) to analyse compliance rates from NPCC data across the police sector from between September 2018 and August 2020.

Our work culminated in a report detailing our findings and some recommendations which all police forces could use to improve compliance in this area as well as a commitment to follow up in a year's time.

This is the follow-up to our original report. It contains our analysis about the effectiveness of the monitoring and engagement process and recommendations we made in November 2020. It also contains further examples of good practice from the forces that have been working to improve their timeliness compliance.

This follow-up is based on:

- our analysis of data about subject access requests (SAR) and FOIA requests over the previous year from every police force in England, Wales and Northern Ireland[1];
- a survey of every police force in England, Wales and Northern Ireland about the effectiveness of the compliance project, case studies of good practice, and the impact of the pandemic; and
- workshops featuring representatives of the forces that participated in the monitoring and engagement process.

Our data analysis

With the help of the NPCC we have collated SAR and FOIA request handling data from each police force in England, Wales and Northern Ireland. We have analysed the data spanning the two-year period since autumn 2019.

In particular, we looked at:

- data about the numbers of requests that the police had received and closed to see if trends emerged across the sector as a whole;
- the percentage of requests each month which police responded to within the statutory time limit;
- the monthly totals of requests which each force has within its 'pipeline' awaiting response. Some of these requests were fresh, and in the process of being responded to. But a portion of the pipeline were a backlog of late requests; and
- the percentage of requests in the pipeline that were overdue.

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[1] The Scottish Information Commissioner regulates the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations, and so, as was the case with the November 2020 report, Police Scotland was not part of this work.

Has police performance improved?

In the two-year period since autumn 2019 the timeliness rate across the police sector has experienced a modest overall improvement from 69% to 75%. It had improved to a peak of 81% in February 2021 but the figure has since fallen.

The number of requests in the overall pipeline across the police sector has also been successfully addressed. It has come down from 12,094 to 10,191, which is a 16% reduction. However, the improvement in bringing this figure down had similarly peaked in February 2021, at which point the figure had reduced by 28% to 8,685.

The percentage of the request pipeline that was overdue had also been reduced. This was from 61% to 33% by March 2021, only for the figure to trend upwards on a monthly basis thereafter, rising to 56% by August.
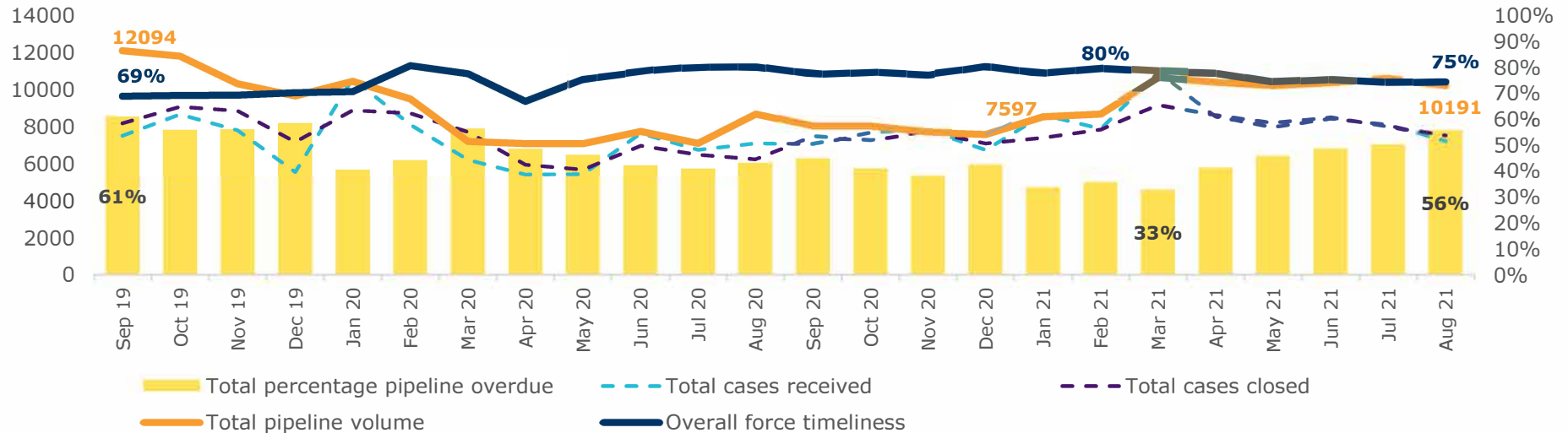
The patterns from the data clearly show peaks in requests received in January 2020 and January 2021. We understand that these are typical, and follow relative troughs in the pattern of the data in December, a month when forces generally receive fewer requests.

The data shows that forces recovered from a spike of incoming requests in January 2020 to achieve a sustained period where the number of information requests they were completing was broadly in line with the number of requests they had received.

Progress was then interrupted after the police received a substantial spike in requests in March 2021. This spike is evident in the data for the whole sector which is reproduced below. But it was also clear from the individual data of 43 of the 46 forces that provided data for analysis. Our analysis of the data found that the number of requests which those 43 forces received in March 2021 was at least 25% higher than the average monthly volume during the period 2019-2021.

We ran workshops with a number of police forces to explore their perspective on this programme of work. What we know from these conversations is that this spike in March 2021 followed the murder of Sarah Everard by an off-duty police officer. The police came under scrutiny about their vetting processes and their handling of vigils and protests held in the aftermath of her death. The data shows total police force FOIA requests in March 2021 were 50% higher than the average volume received and SARs were 30% higher.

Total police performance for key metrics

Legend:
- Total percentage pipeline overdue
- Total cases received
- Total cases closed
- Total pipeline volume
- Overall force timeliness

Chart values labelled: 12094, 69%, 61%, 80%, 7597, 33%, 75%, 56%, 10191

Improving timeliness

Performance improved steadily until March 2021, improving from 69% in September 2019 to 80% in February 2021.

Decreasing pipeline

The pipeline reduced from 12,094 in September 2019 to 7,597 in December 2020.

Fewer overdue requests

The overdue portion of the sector's request pipeline reduced from 61% in September 2019 to 33% in March 2021.

Sensitivity to external events

In January 2021 and March 2021 there were spikes in requests received. These were followed by a reduction in timeliness, increased pipeline volumes and a larger proportion of overdue requests.

All forces' FOI performance

When looking at the FOI statistics exclusively, we can see that by August 2021 the pipeline total had been reduced to 67% of its September 2019 total: coming down from 8,351 in September 2019 to 5,661 in August 2021. The timeliness rate had gone up from 71% to 83% in July 2020, before a fall in Spring 2021.

All forces' SAR Performance
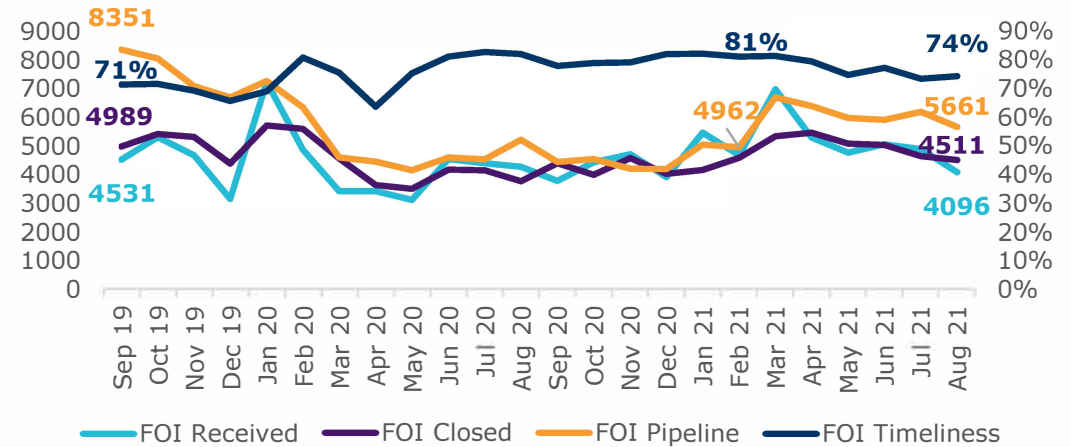
After an initial reduction, the SAR pipeline eventually increased by 21% despite the number of requests received only increasing by 4%. However, the timeliness rate change was more encouraging, with an overall improvement from 65% to 75% over the two-year period.
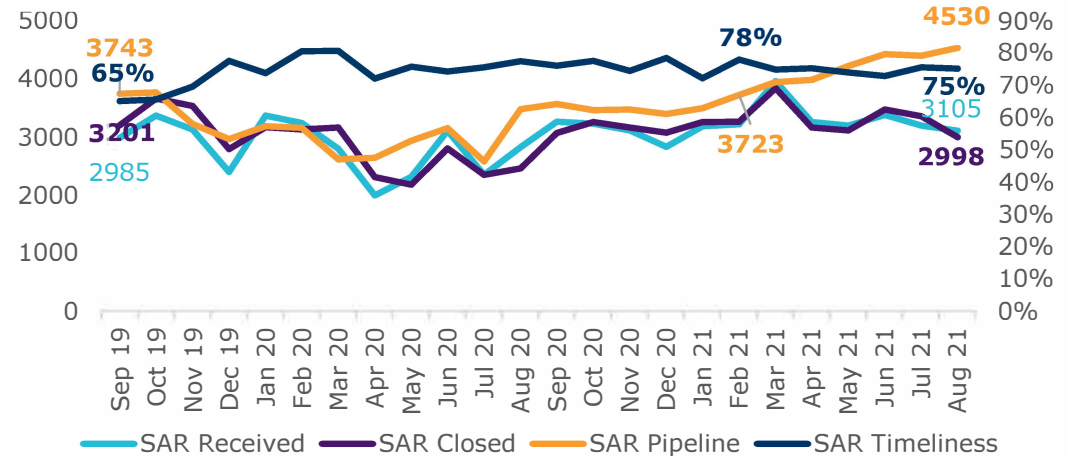
Take-up of report recommendations

Having analysed the data for timeliness and request backlog management for the last two years, we conducted a survey of all forces in England, Wales and Northern Ireland. 31 forces responded to our survey, representing a response rate of 67%.

We asked forces about issues such as their methods of improving timeliness compliance and how the COVID-19 pandemic affected their ability to maintain progress. We also asked forces about our report and their take-up of the recommendations.
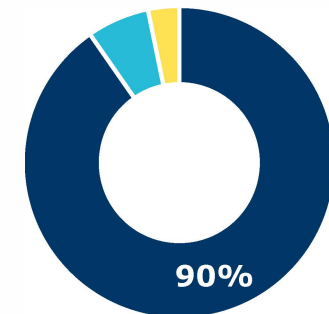
The vast majority of responding forces told our survey that they were aware of the report and had read it. More than a third of forces told us that the ICO taking a specific interest in UK police force timeliness data had an impact on timeliness performance in their force.

Were police forces aware of the original report on timeliness?

- Yes, and I have read it
- Yes, but I have not read it
- No, I was not aware

90%

In the report we made nine recommendations to help forces improve timeliness in responding to information requests. We asked each force whether they had implemented any of the recommendations.
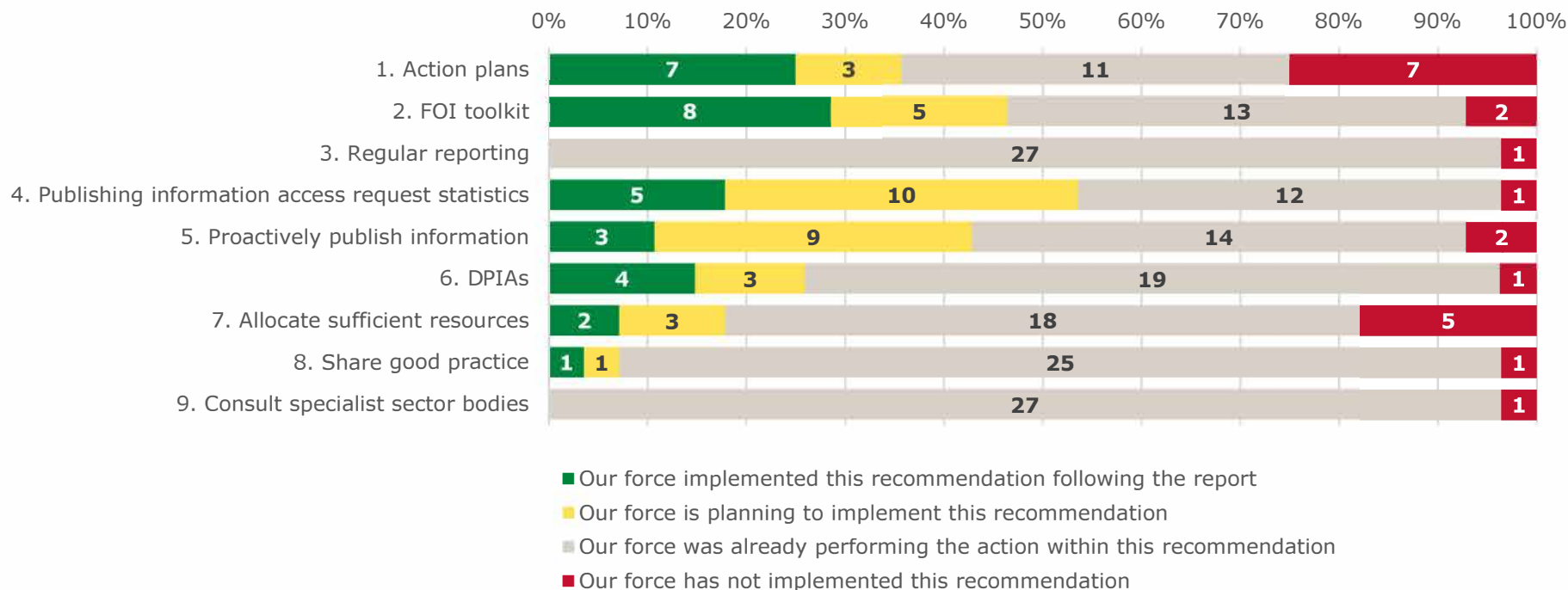
The results of our survey were very positive: 25 forces (81%) had read the report and had either gone on to implement or were planning to implement at least one of its recommendations. 21 forces (68%) had already implemented at least six of the recommendations before the report was published. At least 10 forces have implemented, or are planning to implement, four of the nine recommendations.

Have forces implemented recommendations?

Legend:
- ■ Our force implemented this recommendation following the report
- ■ Our force is planning to implement this recommendation
- ■ Our force was already performing the action within this recommendation
- ■ Our force has not implemented this recommendation

We asked each force to tell us about impacts that implementing each recommendation had. The following is a summary of the recommendations we made in November 2020 with a selection of the feedback which police forces gave us about implementing them.

Recommendation 1: To produce and publish action plans addressing	"Having an action plan in place has identified our weakness and strengths in respect of our FOI performance. We have set a clear target of how we want to address our backlog requests and what we will be putting in place to reduce the outstanding requests."

delays in dealing with requests.	"This has enabled the Force to keep updated of where we are with timeliness of FOIs."
	"We now have both chief officer oversight and support for this area of business."
Recommendation 2 To use the FOI self-assessment toolkit to assess FOI performance and identify areas for improvement.	"The toolkit allowed the Force to assess its compliance on FOIs and see where improvements needed to be made to improve the process/compliance."
	"The toolkit assisted with backlog reduction."
	"Our force has used the ICO self-assessment toolkit to populate the action plan in respect of timeliness of responses."
	"We regularly assess performance against the ICO toolkit. This allows us as an organisation to assess our performance and we match this against the KPI data we collate locally and that which is provided from NPCC."
	"Helped to focus our staff on areas of best practice and has resulted in improved compliance rates which is always our goal."
	"It was a useful assessment tool for reviewing our current processes. It confirmed we were already working in accordance with the recommended standards and good practice."
	"The toolkit had minimal impact. We have been servicing and responding to FOI requests in a timely and professional manner since the FOIA became law."

Recommendation 3: To ensure that information rights departments regularly report to senior leaders within the force.	"Our Force already has an established governance system in place where performance measures with regards to information request response compliance feed into a larger corporate performance board. These statistics also feed into an Information Management Board chaired by the Force SIRO (DCC). Any difficulties identified in maintaining performance are highlighted in the Force risk register."
	"Senior Leaders are given monthly updates on performance; allowing assessments to be made on any risks that might need to be addressed."
	"The department has been reporting FOI performance on a weekly basis to senior management for a number of years. More recently data protection performance has been included as part of the weekly report."
	"We report to our senior leadership team on a regular basis including monthly meetings so they are aware of the current situation and can help should any issues arise."

Recommendation 4: To publish information access request statistics.	"Our Force is planning on publishing this information via our own website however we are awaiting the implementation of Single Online Home which is a national platform for Police Force websites."
	"We are currently working alongside our corporate communication team and our case management system supplier to introduce this."
	"A review of Force record-keeping has revealed performance statistics are unreliable. This is now subject to review in consultation with ICO to clarify methodology. Publication will commence once this is rectified."

Recommendation 5: To proactively publish information which is frequently requested or of consistent interest to the community.	"The publication of FOI data has had some impact on demand reduction as new requesters can be signposted to existing data."
	"We have proactively published requests over previous years. We are looking to start proactively publishing requests again onto our website."
	"This has had no impact - we continue to receive the same high volume of requests. Anecdotal evidence would suggest that it stimulates more requests from requesters who are inspired by some of the published disclosures."
	"This is in progress to some extent, but is awaiting further follow up following onboarding to a new website."
	"We were already completing this action. The proactive publication of data does not appear to impact on the amount of requests we receive, even topics where the dataset is clearly available online still generate a huge amount of requests which receive a Section 21 response. It appears the applicants, in particular journalists, do not take any time to review the publication scheme and datasets on there as it is quicker for them to submit a new request and have the force send them a link."
Recommendation 6: To give due consideration to data subject rights' when completing Data Protection Impact Assessments (DPIAs).	"We are currently working on this and have also employed new members of staff to help achieve this which will assist us in remaining compliant with DPIAs."
	"A question was added to our DPIA template. To date no impact has been noted."
	"The Force already has a DPIA process in place as described in this recommendation. No impact has been felt as a result of this recommendation."

	"Data Protection Impact Assessments (DPIAs) are routinely completed for any new systems or technology that process personal data. Developers and project managers are constantly reminded of the need to ensure accessibility to the personal data once loaded in order to support requests for information and/or other rights under the legislation."
Recommendation 7: To allocate sufficient resources to teams leading on information request compliance.	"We recently recruited more staff into the department which is now starting to be reflected with our compliance improving."
	"As a result of the Action Plan and as a result of a business case being put forward, the Information Request team were able to secure funding for additional posts in the Information Request Team to facilitate faster and better responses to information requests."
	"We have conducted a demand analysis and projection and submitted a bid for additional funding to ensure that we are equipped to meet predicted increased future demand."
	"There has also been the realignment of staff over the past 6 months which has seen the number of overdue requests reduce from 58 to 21."
	"The report has been circulated but the resources have remained the same, mainly because our force has remained compliant in both SAR & FOI. However, as requests become more complex and the numbers increase, the resources will become stretched."

Recommendation 8: To identify and share good practice across the police sector including via the NPCC.	"We have a really proactive regional group and frequently share good practice/ideas (especially for DP)."
	"We also engage in regional cross sector forums which include sharing of best practice across local government, health, ambulance and fire etc."
	"Following the Constabulary recovering from the FOI backlog it experienced in 2019/20, our experience has been shared to assist another force recover from a similar position and we will continue to engage with the NPCC to share best practice."
	"Procedures were updated and refined since ICO review, our working practices have been shared with NPCC and with other forces and at regional meetings."
	"Our managers attend the regional FOI and DP meetings where information access rights are discussed in order to share good practice. Additionally, an update from the National Subject Rights Group (NSAG) and National FOI Steering Group is given by our regional representative."
	"Force engagement with regional working group has been poor; however we are now attending, have established good working relations with neighbouring Forces and have begun dialogue about good practice."

| Recommendation 9: | "Guidance is always sought from NPCC with regards to information requests where required. This is invaluable." |

To engage with the NPCC and other bodies that provide practitioner training and technical assistance.	"Staff engage with the NPCC, National Police Freedom of Information and Data Protection Unit (NPFDU). They have engaged with the FOI Central referral Unit (as was) since its inception back in 2005! The assistance, advice, training etc they provide is invaluable. I am not aware of the National Subject Rights Group but will make enquiries in order that staff can engage with them as necessary."
	"This has provided a useful resource in dealing with complex requests and to allow us to identify any training requirements which staff require. We actively engage with NPCC and NPFDU and ensure that any refresher training is arranged for staff."
	"We haven't procured any direct resources as a Force but use national and regional specialists where required. Also, the ICO inspection has given us some good pointers for making improvements. As with other Forces, we have limited budgets and have to make use of the resources available to us (including the ICO)."
	"Our managers regularly engage with the National Data Protection Advisor and/or National FOI Advisor as well as our regional NSAG representative."

Impact of the COVID-19 pandemic on police request handling

Our analysis of the data shows that forces' ability to respond to requests on time can be quickly undermined by an unexpected change in circumstance. This is the case unless they have a robust system for dealing with spikes in demand, staffing shortages or other events.

The time period which our data analysis focused on includes the period in which the coronavirus pandemic arrived in the UK. In doing so it placed unique and unprecedented pressures on our police forces.
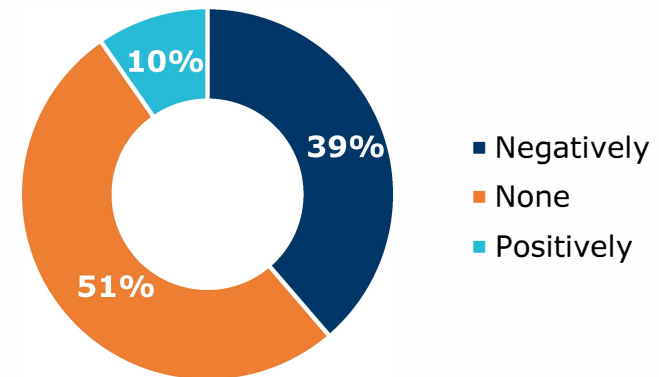
The data we analysed shows a reduction in requests that were received by the police during the period of the first national lockdown in Spring 2020. But it also shows that the timeliness rate went down across the sector as forces struggled to respond to information requests on time.

Reported pandemic impact on SAR and FOI request timeliness performance

- Negatively — 39%
- None — 51%
- Positively — 10%

We asked forces about the effect of the pandemic on handling information requests. Few said that the pandemic helped their FOIA and SAR performance, but most reported no overall impact.

Some of the overall themes that came out of both our survey and our workshops with forces expanded on this:

- many forces saw a reduction in information requests at the onset of the pandemic in the UK. The data shows us that for three months, both FOIA request and SAR numbers decreased across the sector as a whole;

- the reductions in requests were temporary and were offset in many cases by staff absence through illness or self-isolation; and

- staff that handle information requests had to change the way they worked, for example with some staff working from home. This caused initial difficulties with requests such as those where responses were in a physical media, or where

information requiring disclosure was held somewhere difficult to access, such as an office with limits on personnel permitted.

There was a mixed response to whether forces had changed any processes as a result of the pandemic. But those that had, referenced increased homeworking with encrypted laptops and force telephones provided to staff.

Other forces told us that more disclosures were made by secure email and fewer through the post, with the ability to disclose information such as body-worn video images being made available by a central electronic means.

Pandemic advice from the ICO

Like the police, many organisations have increased the amount of staff working from home in response to the pandemic. It may therefore be useful to highlight the resources which, as regulator, we have developed to help support organisations so that they remain compliant with data protection law. It includes the following:

- Our security checklist which is designed to help organisations assess their IT solutions to make sure they are safe. The checklist does not represent a complete security solution, but will help identify some of the common IT vulnerabilities that we often see exploited.
- Our list of things to consider about the devices that staff use to work from home.
- Ten top tips for people working from home.
- More information about complying with data protection law during the pandemic period can be found on the data protection and coronavirus information hub on our website.

Police feedback about the ICO November 2020 report

In our survey, we asked forces to tell us whether there was anything about our report that we could have improved:

"The report only takes into consideration FOI and SAR. I do understand that the report is focusing specifically on the rights of the subject, however most, if not all Police Force information request teams, deal with requests other than those received via FOI/SAR. Request teams will usually also deal with requests for legal proceedings, court orders etc. It would be helpful to those teams if their other competing commitments be considered."

"Reports like this are really useful."

"I think the key issue will be to acknowledge that recommendations will need to evolve over time and therefore this is part of an ongoing process. I would also suggest it would be useful if forces are required to provide individual responses to new recommendations either directly to the ICO, or via the NPCC FDU. This would, I believe, help to keep a spotlight on information management within individual forces."

"Include details of the consultation with requesters (members of the public and the media in particular), to demonstrate that

the publishing of more information on a public authority's website would then reduce the volume of requests."

"I felt that the report was constructive. Understanding the force structure and whether the DPO/ Head of IG (or the role with overall responsibility for SARS/FOIAs) has autonomy/ suitable seniority to direct resources might also be a factor which affects performance. 'DPO' having the ability to direct 'their resources' effectively, without interference from a dept head to whom they may report who, for example, might direct SAR/ FOIA' resources to deal with other competing demands which might fall within their portfolio."

"I am not sure on the benefit of the report, and believe it only assists those in difficulty or new to SAR/FOI processes."

"The report should include some real life examples describing how those forces have increased their compliance rates and what works well / not so well."

"Engage with a wider demographic of forces within the report, provide more overall context for policing and current pressures and conduct similar exercises across the public sector in order to compare and contrast e.g. Civil service, local authorities, health and fire. Differentiated approach based on individual force performance e.g. light and heavy touch."

"I think it is effective as it is."

"Overall the report was well received so not a lot you could improve on. If being picky: - the report could have been shorter. Fine for practitioners, but a report of this size is always a difficult sell to Executive's when no 'executive summary'. Appreciate there was a foreword but not quite the

same. Most people went straight to the rankings section which is fine if the data across 43 police forces can be trusted hence the reason I put a health warning round the data when presenting the paper because some of us are not convinced that every force is completing the fields correctly. I have previously fed this back to the ICO."

"The report does not represent any backlog work which effects the compliance rate and also does not incorporate any other areas of work the department who deal with FOI and SAR do which can also be a contributing factor, and also does not consider the structural format of the departments within each force."

We are grateful for the feedback provided from the police which will helps us consider what we might do differently with similar projects in the future.

Police feedback about performance league table concept

As regulator, we discussed with police forces how we could help them improve the rate at which they responded to information requests.

One suggestion we wished to explore further was centrally curated monthly league tables – by the ICO or NPCC – of all police forces, ranking them by the key metrics in handling SAR and FOIA requests.

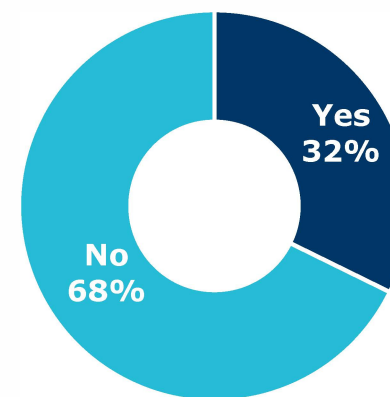We used our survey and workshops to find out more about the potential effectiveness of the idea.

More than two thirds of the respondents to our survey said a league table would not be helpful.

Would a league table be helpful for forces?

Yes 32%

No 68%

This consensus was reflected in the conversations which we had in workshops we held with representatives of forces from across the country who said that senior officers received lots of league tables, such as those comparing their force against others in relation to crime statistics. In that context, it was not clear that a league table about information request performance would achieve its desired impact.

They also suggested that a performance league table might have detrimental effects within a force: impacting morale among the staff that handle the requests but who had little power to improve performance on their own.

In order to improve transparency we recommended that police forces and the public are made aware of how forces are performing comparatively. We will liaise with representatives of polices forces to weigh up the benefits and risks of league tables to identify the best solution for all parties.

Our survey respondents also gave us their views about the league table idea:

Against performance league tables	In favour of performance league tables
"Comparisons with other forces is not helpful without context that explains why that force may not have achieved the required compliance rates."	"It would create public debate and possibly allow for additional resources to be directed to disclosure units if required."
"We were under the assumption that this information was published on the NPCC website?"	"I think this is likely to improve performance as, notwithstanding many competing priorities which have to be managed, no force would wish to be at the bottom/near the bottom of such a table."
"We would still face the same challenges so no impact."	"This would potentially make senior management take more note."
"We meet our response target rates already and in any event deal with relatively small numbers of FOI requests, currently."	"It may help as it could result in extra resources or changes being made."
"I would be prepared to tick 'yes' if I had the confidence that all forces were completing the statistical returns correctly. I would also suggest that the ICO looks at how the compliance figure is calculated to ensure this is fit for purpose moving forward."	"I think this could help as we would be keen to ensure the reputation of the force is maintained. Although staff are always trying to follow legislation, it is inevitable that there are at times going to be delays caused by several factors such as resources and systems. This could mean that more funding could become available to assist."

"Forces already perform to an optimum level and staff work to capacity in very difficult circumstances. Statistics are already available via most Force websites and via FOI requests so I cannot see how a "league" table would assist other than demoralising staff in those forces who are encountering issues beyond their control, which are in turn affecting compliance levels."

"I am not convinced that this would have a massive impact in most cases, but a force at the 'bottom' of a league table would presumably be subject to media scrutiny and likely to suffer reputational damage and in those circumstances it would arguably focus the mind. However, I think most forces have appropriate internal mechanisms to highlight such issues, and external pressure from NPCC leads/ICO would have a similar effect."

We would therefore refer forces to the fourth recommendation in our timeliness report. Publishing information request compliance statistics in line with the relevant code of practice will provide transparency about performance. Doing so will allow anyone interested in comparing force performance to do so if they wish, without the need for the NPCC or others to administer a formal league table.

Follow-up of the monitoring and engagement process

As part of the timeliness project we worked closely with 11 specific forces that had consistently failed to achieve compliance with information request timeliness requirements.

This work involved monitoring these underperforming police forces by analysing their performance statistics and then working with them to put together, and measure progress against, an action plan for improvement.

We reported on the effect of this in our 2020 timeliness report. In preparing this follow-up, we analysed whether the improvement continued.

Our analysis of the information request data from these forces shows similar trends to that of the data of all forces, as shown above for the two-year period. However, while all forces achieved a timeliness rate improvement of 69% to 75%, the 11 that went through the monitoring and engagement process lifted their rate from a deeper baseline of 58% up to 72%.

They also significantly reduced their backlogs: from 5,854 requests in their September 2019 pipelines to 1,800 by July 2020 (a 69% reduction). This was before the March 2021 spike which saw growth in both the overall pipeline and the volume of overdue requests.

However, the data demonstrates that the performance of the 11 forces that went through the monitoring and engagement process improved at a greater rate than that of the police force sector as a whole.

## 11 monitored forces performance for key metrics
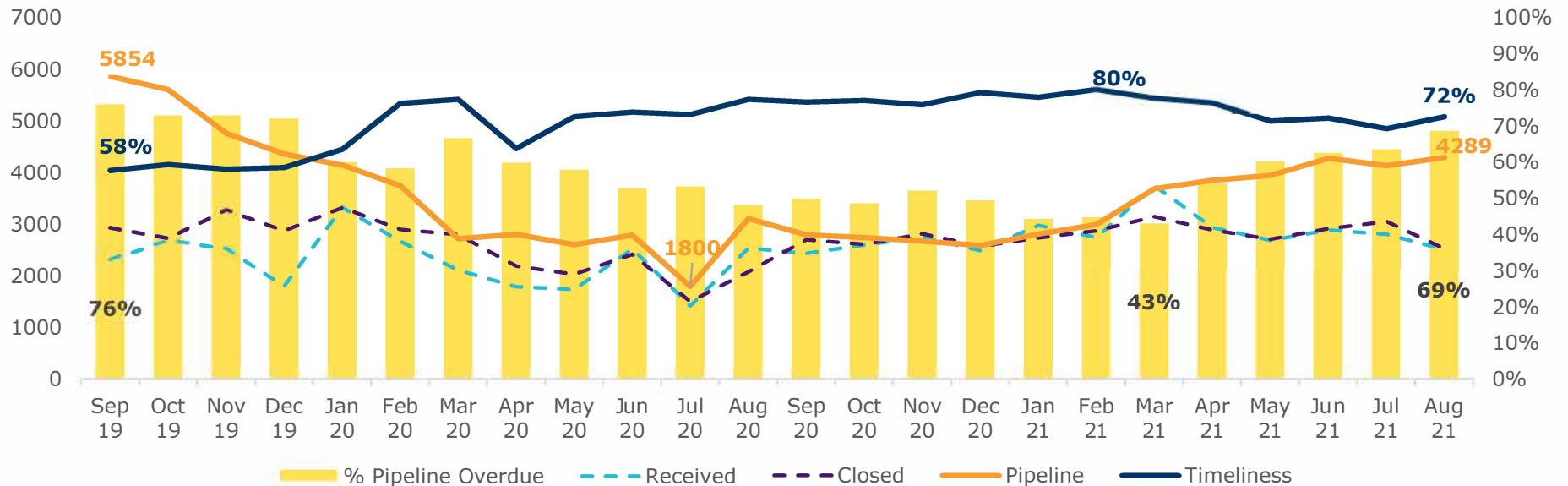
We have also used the data to compare the performance of the 11 forces that went through the process against the performance of 11 similar forces which had no such intervention.

To achieve a control group that could provide a meaningful comparison, we chose the 11 forces which had the closest volume of received requests to each of the 11 that went through the monitoring and engagement process.

Our comparison showed that the 11 forces which went through the process started in a worse position than the comparator 11 in September 2019: they had substantially poorer timeliness rates (58% compared to 77%) and a greater ratio of overdue requests in their pipelines (76% compared to 52%).

The data confirms that when comparing the key metrics to that of the control group, the 11 monitored forces made more progress than the 11 unmonitored forces. The timeliness rate of the monitored forces improved by 14% whereas the control group's rate decreased by 6%. The overdue percentage of the pipelines of the monitored forces was similarly relatively successful, in that it had reduced by 7% compared to the control group's increase of 13%.
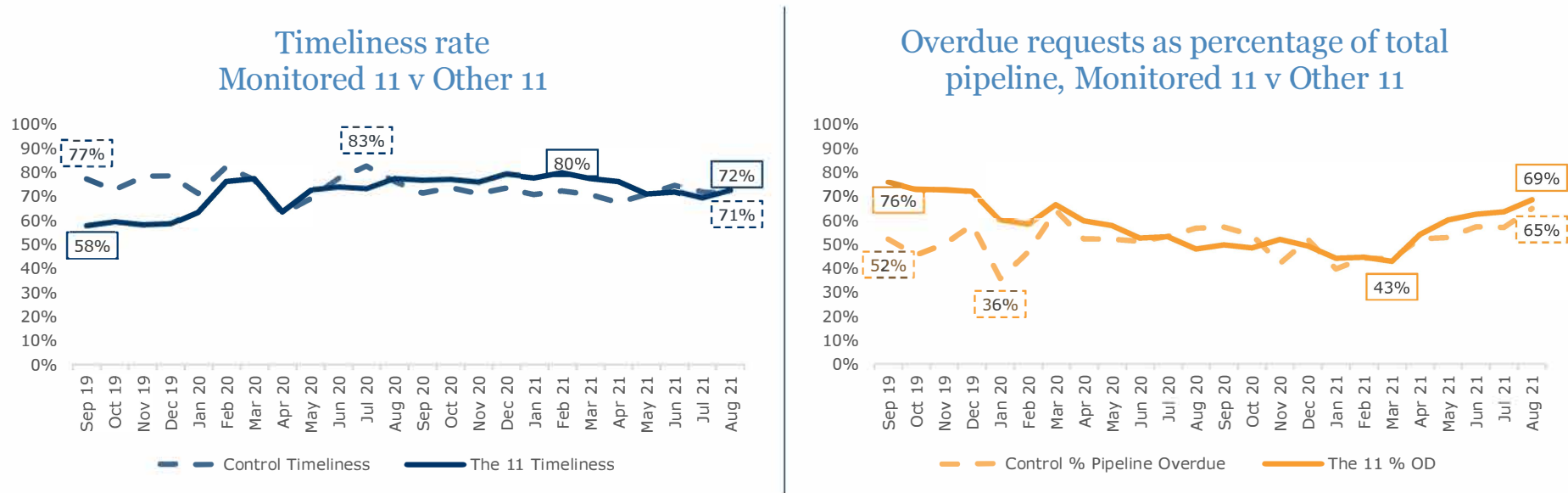
Feedback from the 11 forces that underwent the monitoring and engagement process

We facilitated two workshops in September 2021 so the forces that had gone through the monitoring and engagement process could share their experiences with us and with each other. Ten of the 11 forces that went through the process were represented and their feedback is as follows:

Monitoring

Forces were positive about the monitoring process itself which "gave us time to improve". They had mixed views on the case management systems they used to extract the data. One force said that the ICO monitoring precipitated regular reporting to senior management and had identified a recruitment need.

Four forces said that the monitoring was too focused on the timeliness rate, with less interest in the quality of responses that had been issued or on the reduced size of information request pipelines.
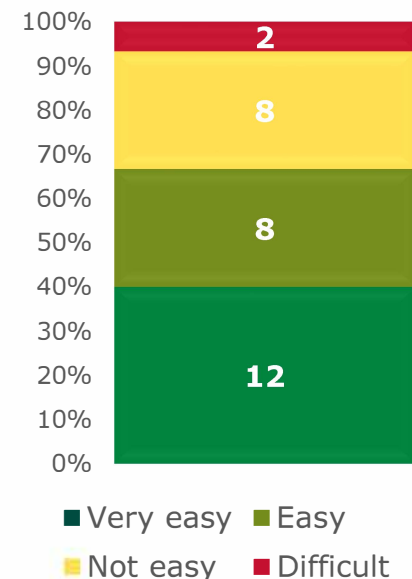
In our survey we asked all forces, who had sent monthly data to the ICO by the NPCC, how easy this data was to collect. Two thirds said that it was easy or very easy to collect the data.

However some forces also told us that the systems they used to recall statistics require sometimes substantial manual intervention in order to collate statistics. Five forces reported that they are currently having to undertake manual collation or manipulation of data whilst four forces told us they are considering, or in the process of, updating systems which would make statistical reporting easier.

Action plans

Forces were broadly positive about the action plans they worked on with the ICO to set out milestones for improving performance. Some forces said it was useful to have a focused, formal process and two forces in our workshops said they thought the template provided by the ICO was effective.

How difficult was it for forces to gather data?

Very easy	Easy
Not easy	Difficult

Chart values (bottom to top): Very easy = 12, Easy = 8, Not easy = 8, Difficult = 2

Others described how the plans helped to illustrate the amount of work that was required. Other feedback said the plans were quite broad and more helpful for the long rather than short term. One force suggested that the plan was too prescriptive: "It became more the ICO's plan than our own. Might have benefitted from being tight on the 'what' and loose on the 'how'."

We also received feedback through our survey including:

- "The action plan has allowed the force to review areas where improvements were required such as resilience within the team. It identified the training requirements within the department. An action plan has only been implemented for FOI's."
- "As a result of the report and with particular regard to FOI where our compliance has been lower than we would like, we have used the ICO toolkit to conduct self-assessment and formulate our action plan. We are planning to again use this action plan to raise a business case for additional funding to be made available to secure further posts in the information request team."
- "The FOI Team produced an action plan in 2019 which resulted in compliance response rates across both forces going above the target of 90 per cent. Unfortunately, COVID-19 and other operational pressures / priorities has had an effect on compliance rates since March 2020 and is being closely monitored."

How ICO involvement affected forces

The consensus from forces in our workshops was that resourcing was the principal threat to information request timeliness. This re-emphasised one of the main challenges that we highlighted in our timeliness report whereby, according to the NPCC, since 2010 there had been a real-term reduction in overall police budgets of 19% and a 19.1% decrease in FTE civilian staff.

In our workshops, five forces told us that the ICO involvement made it easier to build a business case for more resource being made available for information governance. They said that the scrutiny "gave us some teeth", and that it "got senior people interested, throwing money at the issue." Others reported a cultural attitude change, that compliance in the areas of concern "was now less of an afterthought than it had been".

This appears to be supported by the results of our survey of all police forces. We asked whether the ICO taking a specific interest in UK police force timeliness data had an impact on their performance. More than a third of forces told us that the ICO taking a specific interest had an impact on timeliness performance in their force. Two forces followed this up with specific comments about the ICO involvement being a positive force for making the case for more funding.

It can, of course, be said that regulatory activity, or the threat of it, should not mark the threshold by which compliance with the law will be taken seriously. Nevertheless, many forces clearly reacted positively and decisively once they had entered the monitoring and engagement process.

The overwhelming theme from our conversations with these forces was how the demand on information rights teams – through increased numbers and complexity of FOI, data protection and other requests – had overtaken resource. It meant that forces were left with difficult decisions to make about the level of long-term resource to place in this area of compliance.

Relationship with ICO

We asked forces for feedback about anything that the ICO could do better in the monitoring and engagement process.

Forces said that the time to hear back from the ICO after they had self-referred their compliance concerns was too long. One force said that they were contacted by the ICO about a complaint about an FOI request which did not refer to, or appear to know, that the force was involved in the monitoring process. Another force suggested that the ICO sharing good practice from around the police sector would be helpful.

Sharing good practice was also one of the suggestions in the feedback to our survey of all forces.

Responses to the survey also covered issues such as:

- the length of time taken to handle FOIA complaints;
- clearer communication about when monitoring ends;
- a better understanding of the police sector in ICO staff; and
- requests to review our guidance on manifestly unfounded or excessive subject access requests.

Sharing good practice

We asked all police forces what initiatives, beyond those recommended in our November 2020 report, they had pursued to drive compliance. This is a list of some of the methods that one or more of the forces has used to improve timeliness.

Practice in the field	
1. Training	- More than one force implemented FOIA and SAR training and guidance for all staff. This ensured that colleagues were aware of their force's statutory responsibilities and of the risks in failing to achieve compliance. - One force sought the support of external FOIA training, with a consultant taking a look at processes.
2. Internal processes	- Some forces described use of internal points of contact to locate requested information. One force created a network of superintendents to lead this task –they understood the importance of the statutory duty, and could quality check the internal consultation response. - Other forces overhauled their request handling process. One found that a consistent reason for missing the statutory deadline was not in gathering information but through delays in the sign-off process. They agreed a new internal sign-off process to improve the number of responses that went out on time. - One force gave specific deadlines to internal contacts for returning information and views on disclosure during the request handling process. - Another organised weekly meetings of request handlers with a specific focus on timeliness. This helped to increase accountability and decision making.

3. Staffing and use of existing resources	• More than one force referred to the problem of losing trained staff that had been temporarily seconded to address request backlogs or other peaks in demand. A solution raised by one force involved having the ability to recall previously trained staff from elsewhere in the force. • More than one force agreed overtime for information governance staff to access during spikes in demand
4. Procedural changes	• Several forces audited and then improved their standard templates. • A number of forces improved their interaction with the individuals that had sent in overdue requests. This helped establish when information requested was no longer required. This was particularly helpful for the forces that dealt with a substantial number of FOI and EIR requests from journalists. • One force reported coupling webforms to their casework management systems to receive requests more directly. • An improved triage system was set up at several previously underperforming forces. It enabled them to easily identify quick wins and pass less complex requests to junior staff. This freed up capacity in the trained and vetted information governance staff. • At one force, they abandoned self-allocation of requests in favour of staff being given requests to handle by a team leader, based on their relative experience, workload or subject expertise.
5. Proactive disclosure	• Publication strategies across one force helped increase transparency and reduce the burden of recurring requests. • Another force reported "rekindling" the desire to proactively publish information, with efforts now underway to disclose dashboards of information that are frequently requested.

Concluding remarks

This follow-up report explored whether police forces took up the recommendations from our November 2020 timeliness report and whether they had positive results.

We found a good take-up in forces where the recommended actions were not already part of their practice. The data shows an upturn in performance against our key metrics across the sector, with positive feedback from forces about our report.

Our analysis showed the impact that a high-profile event can have across the whole police sector. The data shows that forces can handle their anticipated workloads, but may struggle in the face of unexpected, temporary spikes in demand.

This follow-up also evaluated the effectiveness of our programme of monitoring and engagement. The data shows that the forces undergoing the monitoring made more significant improvements than other forces. We will use the results of this work and the feedback from the police about the process to inform further pieces of monitoring work.

A combination of the data and the feedback from the police implies that the ability to achieve compliance remains strongly linked to resourcing and accountability.

We therefore encourage forces to regularly review each of the recommendations made in our timeliness report. This will help to continue the recent progress made as a result of hard work from across the police sector.

We will also continue to take a specific interest in performance in the police sector. The progress we have seen appears fragile, and vulnerable to change. Within the last two years we have issued practice recommendations to four police forces and previously issued two enforcement notices for SAR performance. We will therefore continue to receive the information request data from all police forces through the NPCC. We will engage with the NPCC, analyse the data and work with forces to address poor performance.