

Minutes – Executive Team Business Meeting

Monday 17 November 2008



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Members and staff present

Vicky Best
Simon Entwisle - chair
Susan Fox
David Smith
Graham Smith
Richard Thomas

Greer Schick – agenda item 3
Fran Adamson – agenda item 4

Peter Bloomfield – Secretariat
Jonathan Kay – Secretariat

1. Apologies and introductions

1.1. There were no apologies.

2. Minutes and action points from the Executive Team (ET) meeting held on 20 October 2008

2.1. The draft minutes were adopted after minor amendments.

Action point 1: Secretariat to make the minutes available to staff via the website.

2.2. ET examined the outstanding action points and noted them all now complete.

2.3. ET adopted the notes of the ET engagement meeting of 3 November 2008.

3. Responses to the staff survey progress report.

3.1. Greer Schick provided a progress report on the ICO's responses to the staff survey. This will be made available on ICON shortly.

- 3.2. It was noted that there is a break in the scheduled I-Connect sessions whilst their administration is reviewed.
- 3.3. An initiative to ask staff what ET members, and other senior managers, can do differently to engender trust, and what specifically contributes to trust, will be discussed at a future Business Delivery Group meeting.
- 3.4. ET expressed continuing support for the initiative to encourage staff to accompany senior managers to conferences etc. The intention was to gain a better understanding of the work of senior managers. Some opportunities had been facilitated although funding and time out of the office are continuing issues. ET agreed that opportunities for shadowing need not only be speaking events, but also senior meetings both offsite and at the ICO.

4. Learning and development strategy

- 4.1. Fran Adamson provided ET with an overview of the learning and development strategy. The strategy had been developed to reflect discussions with ET members, the trade union side, and other stakeholders.
- 4.2. ET noted that the strategy reflected the great amount of activity being undertaken in staff training, and noted the significant progress made.
- 4.3. The average cost of training per employee is significantly higher than CIPD benchmarks. ET recognised that this is a consequence of the tailored and effective training being delivered. ET also heard that figures were distorted by the costs of some activities currently being counted as training, but which were not specifically training. For example some visits to conferences were currently being funded by Training and Development.
- 4.4. ET discussed the difficulties in providing sufficient onsite training facilities, and noted that there would always be some training that was better suited to outside venues.
- 4.5. **ET adopted the strategy and thanked Fran Adamson and her team for the hard work taken to develop it.**

5. Expenditure Report

- 5.1. ET examined the expenditure report.
- 5.2. October had seen the highest ever notification receipts which had totalled £1,204,000. Receipts for the year to date were ahead of target by 3.7%. Carry forward of this amount into the next financial year would not be a problem.
- 5.3. The IT Infrastructure project costs will be more than originally budgeted for. However, the costs are currently subject to negotiation

with Carillion as (per the contract) some of the expenditure associated with upgrading the infrastructure will fall to be met by them.

- 5.4. Simon Entwisle updated ET on the option of adopting, what was termed, a “thin client” approach to the new IT infrastructure. Although initial capital costs would be no less than the current system, the thin client arrangement would potentially reduce future maintenance costs and add to flexibility.

6. Funding for Fol 2009-10

- 6.1. Richard Thomas gave an overview of 2009/10 funding. It is expected that funding across the public sector will be tight next year and the ICO will need to plan for possible reductions in grant in aid (affecting freedom of information). This was despite our understanding that the £5.5 million paid this year was a baseline figure.
- 6.2. Data protection funding may also be affected by the recession.
- 6.3. ET discussed the use of secondees from government departments to help in freedom of information case work, but noted that to make an impact; a large number would be needed. And whilst the secondees would be funded by their home departments, there were costs associated with training and accommodating extra staff which would fall to the ICO.
- 6.4. In respect of freedom of information funding and our view that the £5.5m was baselined, the ICO would need to discuss with the MoJ its understanding of the position.

Action point 2 – Simon Entwisle to draft an explanation as to why the ICO considered it had a baselined budget of £5.5 million.

- 6.5. ET also heard that the MoJ proposed to introduce a tiered data protection fee structure as soon as possible; possibly in time for the next financial year.
- 6.6. Given the possibility of a reduction in freedom of information funding, and the expected increase in data protection fee income arising from a change to a two tier fees regime, there could be an increasing disparity between the two funding streams. This would put strains on the apportionment model (which allocates funding between data protection and freedom of information work).
- 6.7. ET agreed that a thorough appraisal of the apportionment model is necessary to ensure it operates most effectively. For example there were concerns that some freedom of information casework (and tribunal work) involved consideration of data protection issues and this might not be fully reflected in the model as it stands.
- 6.8. At the same time ET stressed the importance of maintaining propriety. The model was there to ensure that cross funding (between data protection and freedom of information) did not

happen. The agreement of both the NAO and the MoJ was required before changes to the model could be made.

Action point 3 – Simon Entwisle to bring forward a paper on possible changes to the apportionment model.

7. Out of hours compensation and expenses

7.1. Vicky Best introduced a discussion paper proposing a number of changes to overtime and travel and subsistence arrangements at the ICO.

7.2. Existing arrangements were based on old civil service rules and had been tweaked during the lifetime of the ICO. They were consequently complicated and differed quite considerably by grade. In addition, given the change in size and grade structure of the ICO, arrangements that had originally affected a small number of staff now had a wider impact.

7.3. There was wide ranging discussion as to the impact of proposals and the possible costs. Executive Team agreed that the ICO could learn from other organisations, in particular central government. How other organisations met the travel and subsistence needs of staff should therefore be investigated, along with the costs and benefits of proposed changes.

7.4. ET welcomed the paper, and agreed a review of procedures was due. ET asked that the paper be revised with costings and circulated to ET members for comments.

Action point 4 – Vicky Best to circulate a revised out of hours compensation and expenses paper.

8. Forward look

8.1. This agenda item stemmed from the ET away day, and the agreement, at that meeting, to reinforce the corporate calendar to show the major issues for the office in the coming month.

8.2. ET welcomed the paper and agreed that a high-level “project plan” showing issues for the office in a given month would be especially useful for the new Commissioner. ET noted that there could be a role for the Operations Management Committee (OMC).

Action point 5 – Simon Entwisle to look into OMC input to a ‘forward look/project plan’ document.

9. Any other business

- 9.1. Richard Thomas noted that proposals for changes to data protection legislation would be published shortly.
- 9.2. The Remuneration Committee had recently met.
- 9.3. Richard Thomas had met with the ICO's external auditors (the National Audit Office) to update them on data protection legislative changes and freedom of information funding. The management response to the risk of fraud was also discussed. ET noted that good procedures were in place for this, but that they needed reviewing. ET asked Simon Entwisle to bring a paper on the subject to the January ET meeting.

Action point 6 – Simon Entwisle to bring a paper on fraud risk to the January ET business meeting.

- 9.4. Richard Thomas reported on the recent visit of the local Member of Parliament, George Osborne, to Wycliffe house.
- 9.5. ET noted the recent meeting of the Business Delivery Group, where the information security action plan was discussed. ET asked that a report come back to ET.

Action point 7 – Simon Entwisle to bring a paper on information security to the ET.

- 9.6. Simon Entwisle gave an update on the Accommodation project.
- 9.7. Vicky Best explained the arrangements for flexi credits over the Christmas period. A one and a half hour credit will be given shortly to all staff to contribute towards team Christmas lunches. And as a one-off, the office would not open on the 2 January 2009.

10. Key messages

10.1. The key messages for the meeting were:

- ET was provided with a report detailing progress on work to give staff greater opportunity for involvement in ICO issues, initiated following last year's staff survey. The report demonstrates the ICO remains committed to giving staff opportunities to get involved in and contribute to what's going on. It will be made available on ICON.
- ET welcomed and approved the Learning and Development Strategy. This was presented by Fran Adamson. ET acknowledged the hard work that had gone in to formulating this strategy which will shortly be placed on ICON.
- In considering the expenditure report for October, ET noted that the Data Protection fee income was the highest ever for a single month. ET members expressed their thanks for all the hard work by the Notification and Finance Teams in order to process these fees.

- ET discussed some of the issues and inconsistencies around the way that the ICO compensates staff for out of hours work and travel time. This also touched on compensation for overnight travel/subsistence and other issues. ET concluded that a review of our procedures was now due. More work will now be undertaken by HR and Finance.