

## Management Board – for assurance

**Meeting agenda title:** Continuous improvement in our front line services

**Meeting date:** 18 July 2022

**Time required:** 15 minutes

**Presenter:** Jen Green/James Dipple-Johnstone

**Approved by:** Jen Green/James Dipple-Johnstone

### 1. Objective and recommendation

- 1.1. To provide the Board will assurance regarding our approach to delivering increased efficiency and continuous improvement in our front line services.

### 2. History and dependencies

- 2.1. At its May meeting, the Management Board reviewed our Q4 scorecard and year end outturn. This can be found here: <https://ico.org.uk/about-the-ico/our-information/our-performance/>
- 2.2. This report identified that, in some areas, there has been a pattern of lower than expected performance, in particular in some front line, public facing services.
- 2.3. The reasons for this underperformance are understood and linked to the longer-term impact of the COVID-19 pandemic, the knock-on impact of challenges in other areas of the public sector, for example the court service, implementation of UKGDPR and the increase in profile and complexity of the work of the ICO.
- 2.4. The ICO has grown significantly over the last three years, and many of our front line services have significantly greater capacity than before in response to growing service demand and increase in the range and scope of work we are involved in. Throughout that time, we have also strived to ensure our services are efficient and effective, identifying opportunities for improvement and utilising the resources we have in the best way.
- 2.5. However, now more than ever, it is important that we have plans in place which will enable these services to deliver for our stakeholders in the longer term, without the need for continuous growth. As we look forward to delivering the ICO25 plan, making sure our core public facing services are delivering a consistent and effective service, in line with our published performance measures, will provide the stability needed to deliver the more novel, complex and ambitious elements of the plan.
- 2.6. As part of the plan, we are proposing to commit to clearing all operational caseloads by 31 March 2023 by redeploying internal resources. This will mean that we would be, by the end of the

financial year, within our published service standards for all public facing service. This would, in many cases, mean we would be exceeding our pre-COVID standards.

- 2.7. This paper sets out how we intend to deliver continuous improvement to ensure that once this milestone is met we continue to deliver consistent performance, as well as how this fits with our overall change and transformation journey as an organisation.

### 3. Developing a common understanding

- 3.1. This paper focusses on the continuous improvement approaches in place in our key front line services. These include:

- Public advice and data protection complaints – how quickly we assess and respond to data protection (DP) concerns;
- Freedom of information complaints – how quickly we reach a decision and respond to freedom of information (FOI) concerns and how old our caseload is;
- Information requests – responding to requests for information to the ICO within statutory timescales;
- Service complaints – how quickly we investigate and respond to complaints from our customers about our service; and
- Investigations – how quickly we close our investigations.

- 3.2. In each of these areas, our performance has fallen short of what we would have expected. For each of these areas we have both continuous improvement changes being progressed at a corporate level, and local change initiatives, driven by staff and managers to improve performance. These programmes of process enhancement and change and transformation will enable these teams to not only recover their performance, but also to achieve long term improvements to their services.

### 4. Matters to consider to achieve objective

#### Strategic Change and Transformation

- 4.1. Our future strategic change and transformation work is focussed on ensuring that we bring together the changes we want to make to implement legislative and constitutional reform, as well as the strategic enduring objectives and annual plan actions identified in the developing ICO25 plan.

- 4.2. Our annual plan outlines the priority work we will deliver over the coming year and these actions have been prioritised using our evidence-based assessment of risks and harms and have been aligned to each of our enduring objectives.
- 4.3. Alongside these actions, we have an ICO25 transformation portfolio in development. We will set out quarter by quarter how we are changing and transforming to enable us to empower people through information in line with all our enduring objectives by 2025. Our change and transformation portfolio focuses on developing:

- **What we do and who we do it for** - Developing our regulatory approach to meet the needs of our customers and stakeholders.
- **How we do it** - ensuring we have the right capacity, capability and culture to operate effectively.
- **The tools** - we need to enable our work, providing the foundations for what we do and how we do it.

By managing our projects and programmes in this way we will enable cross organisational collaboration, improve prioritisation, enable us to make better decisions, identify how projects align to our objectives, give better visibility to overall resource requirements and dependencies and give a better understanding of the totality of change happening.

- 4.4. All current programmes and projects identified as 'service transformation' are delivering cross office, strategic changes to transform our services and to ensure that these are focussed on efficiency, continuous improvement and value for money.
- 4.5. The strategic change and transformation team supports work across the organisation that will deliver efficiencies and improvements in the way we work. This includes, for example:
- the development and implementation of IT projects to enable more automation and self-service including chatbots and the use of AI;
  - the introduction of an enterprise resource planning tool, Workday, to allow for better resource planning and allocation;
  - enhancements to our intranet to allow colleagues to more easily access information to help them do their jobs;
  - delivery of legal case management and workforce management systems to enable more efficiencies in how we process and direct our work;

- a digital mailroom, to allow for the quick and efficient processing of physical correspondence from our customers;
- enabling the use of PowerBI to improve the capability of our reporting, both in terms of analysis and presentation;
- implementation of a survey tool to efficiently and effectively reach all colleagues and gather their feedback, helping us understand feeling across the whole organisation;
- essential upgrade projects to ensure that we keep pace with technology support and platform requirements, including enhanced reporting capabilities for PECR concerns and enabling the roll out of new devices to all colleagues; and
- development of new ways of working to assist with the move to blended working and supporting the creation of our new People Strategy.

4.6. Alongside these strategic change projects are several projects being developed within teams to deliver better services for our customers. To give some insight into the sort of initiatives that are being progressed within specific areas, details are below for each area of work:

#### Public Advice and Data Protection Complaints

- 4.7. The long term plan to ensure continuous improvement in public advice and data protection complaints is aligned to work to enhance our customer satisfaction score, including ensuring we have accessible processes, more customer focussed journeys and self-service tools. The work includes:
- an ongoing performance project to focus on improving our turnaround times for all complainants, with ongoing projects around case allocation, batching for similar complaints issues, shorter and more upstream recommendation-based outcomes and more streamlined internal processes, so that we can get to cases sooner and resolve them;
  - a further ongoing project focused on the live services to ensure we maintain service standards, as well as maximise capability and capacity to free up resource. We are working with relevant Ombudsman to allow better signposting and to develop a 'one stop shop' approach so that complaints that are predominantly service issues (with a minor data protection element) can be better dealt with by the sector Ombudsman, with relevant ICO input. The aim is to provide an enhanced and simpler customer service experience for the customer, and easier access to ombudsman remedies and redress;
  - the development of chatbot type automation to help customers to navigate to the information they need quicker and exploring IT

- solutions that enable us to automate element of casework where, for example, a case officer intervention is not required;
- moving from a paper based 'adjudication' process to one that encourages dialogue rather than dispute and explanation rather than escalation. We anticipate that the proposed changes to the DP legislative framework will also enable us to ensure that complaints only come to us when they have been properly considered by data controllers and an attempt has been made to resolve them;
  - creating content for members of the public to help them understand their rights and what they can, and cannot expect, organisations to do. This should reduce complaints and enquiries to us and enable people to better access their information without needing our intervention. This includes the development of tools focussed on subject access in particular, which is the focus of the majority of complaints to us and the use of FAQs to make our advice more accessible to users;
  - revising the online DP customer journey, providing clearer information on what customers can expect, how long it takes for them to receive an answer and to empower them to self-serve. This will reduce the number of 'insufficient information' cases and improve the service for our customers;
  - carrying out analysis of our written complaints and live service contacts to understand our high volume areas, allowing us to explore ways to streamline our approach, for example strengthening online information about domestic CCTV to provide the public with answers to their questions and reduce the need to come to us;
  - improving our offer to make sure that our services are accessible to all our customers and explore ways to make more improvements, for example for hearing impaired customers or those on the Autism spectrum. This will help provide a better service, but also reduce contacts and enable a quicker resolution to some complaints;
  - development of a quality assurance framework, which is being trialled across all DP complaints teams. This will help us to learn from our successes and mistakes and embed continuous improvement;
  - identifying opportunities to improve how we listen to customers, for example in some cases introducing an outgoing introductory call to the customer when a DP case is opened. We're also trialling different ways to manage service complaints so we provide good customer service and to allow us to learn if there are ways that we may be able to prevent a complaint from coming to us;
  - review of all our DP casework letters and standard material to ensure it gives customers what they need;
  - trialling a centralised training school to ensure new starters receive consistent and good quality training to allow them to contribute quickly to departmental workloads. We are also developing a

training manual and recording some sessions to reduce the training burden to free up resource to focus on other work.

### Freedom of Information Complaints

4.8. Within our FOI complaints work we have identified three key approaches to enable continuous improvement:

- we will take an agile approach to FOI appeals, moving quickly, respecting the fact that the Tribunal may not always agree with our decision and publishing our decisions;
- not dealing with every FOI complaint the same and making objective decisions to prioritise our work, including providing a service which enables better resolution of disputes between requestors and public authorities; and
- running a programme of proactive activity which will help to reduce demand for adjudication and decision notices and promote tools to help members of the public to use their right to information.
- This work is supported by our 'Better FOI programme' which will enable us to not only recover FOI performance but to ensure that we are being as efficient as possible with our limited resources in this area.

4.9. In order to do this we are:

- expanding our early resolution activity so that all FOI casework teams deliver this approach. This is our preferred approach for dealing with complaints that can be resolved quickly and with minimal or no investigation. It provides a quicker outcome to the complaints and reduces contacts needed during a case. We are looking to expand this as far as possible and seeking to increase the volume of early resolution cases to 20-25% (from 15%) of all cases;
- developing our forecasting model to help us to better understand future demand;
- rolling out a new regulatory manual to enable better working practices and to support staff in understanding how to implement our regulatory approach;
- increasing the transparency of our case outcomes;
- trialling a shorter two-page decision notice on certain cases;
- identifying cases where a decision from the ICO is not necessary, for example vexatious or frivolous complaints and where we are comfortable for the tribunal to take a view;
- reviewing how we take account of external delays in progressing cases, to ensure that our KPIs take account of where public authorities are required to act while the case is still open with us;
- enhancing our 'upstream' work to ensure public authorities understand their responsibilities and improving systemic practice

across the sector by sharing learning and trainings, thereby decreasing demand to the regulator.

### Information requests

**4.10.** Information access performance has improved through the year, and to ensure that we can achieve our, more challenging, targets for the rest of the year we will continue to develop initiatives to improve performance, including:

- improving case reporting, including more frequent reports on performance, late cases and reasons for delays to allow for proactive identification of any potential issues;
- identifying opportunities to deal with requests at source, enabling better and quicker customer service, for example dealing with requests for case files and correspondence through those who already have the relevant information and relationship with the customer;
- continuing to develop our triage system to allow for the efficient and timely allocation of requests to appropriate members of staff based on volume and complexity;
- ongoing delivery of our Information Access engagement project to increase the understanding of the role of the ICO as a data controller and a public authority, promoting transparency and identifying improvements that could be made to processes and procedures – particularly those teams we regularly consult with in relation to information requests;
- working with our external communications team, using their planning tools to identify potential activity and topics that will likely generate requests, and reaching out to relevant teams and departments at an early stage to discuss the approach and strategy we might take to those requests;
- continuing to analyse the requests we receive, in order to identify if there are any regularly occurring themes or topics of requests and promoting and encouraging relevant service areas to proactively publish information about these matters;
- reporting on and understanding late referral of requests including providing feedback to the relevant service areas, highlighting any improvements in processes that could be made, for example technical fixes or awareness raising;
- expanding the publication of our casework datasets up to date and review our publication scheme on a regular basis.

### Service Complaints

4.11. We will enable a more joined up approach to service complaints, to ensure that we have a consistently high standard of customer service and a learning culture from complaints. To do this, we will:

- review all service complaints to better understand themes, learning and feedback;
- establish a Customer Service governance group to have oversight of service complaints and ensure we identify complaint themes, make recommendations and share best practice across the organisation.
- pilot having Customer Service Ambassadors, who will lead on customer service complaints. This will enable a consistent, tried and tested best practice approach to dealing with service complaints.

### Investigations

4.12. It is in our intention to deliver the outcomes of our investigations quicker and be more transparent about the time it will take to reach certain milestones in our investigations and about what action we are taking and why. To deliver this we will:

- explore how to more accurately record our performance during the investigation phase considering the entirety of the journey of a case outside of the investigation process, for example the process through litigation or criminal prosecution via court.
- utilise our data analysis capability to ensure we analyse our data effectively, identifying lines of enquiry more quickly and improve investigation timescales;
- re-evaluate the prioritisation of all cases throughout the investigation journey which may result in de-prioritisation;
- enhance the reliability and accuracy of the information we capture at the point of breach notifications;
- introduce commissioning groups for any complex / critical cases where there will be benefit to early consultation with legal or other specialist teams within the ICO or within partners / other regulators for improved case direction and progression;
- review timings of case assignment and next stage investigation work to ensure that investigation work is conducted in a timelier fashion. We have tightened early governance and oversight of cases to help ensure that timeliness principles are implemented by line managers and followed by staff to minimise slippage and flag and address any blockages and delays;



- enhance the governance and reporting of our investigations work, for example regular case progression meetings, oversight meetings with senior staff and weekly team case updates;
- deliver formal investigation and SIO (Senior Investigating Officer) training, resulting in a new national investigative qualification which will improve the standards and timeliness of our investigations.

## 5. Areas for challenge

5.1. The Board may wish to consider:

- Have appropriate actions been identified to ensure that our services continue to improve and develop to meet our customers' needs?
- Are there any gaps or inconsistencies that those working on these programmes and projects should consider?

## 6. Next steps

6.1. The next steps for this work are:

- To continue to develop and deliver the strategic change and transformation portfolio of work as described in this paper.
- Continue to develop and deliver the change initiatives at a local level as described in this paper.
- To continue to report progress to Management Board through the corporate scorecard and monitor the impact of the changes identified.
- Continue to benchmark our services and identify areas for improvement.

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**Consultees:** James Dipple-Johnstone – Chief Regulatory Officer, Paul Arnold – Chief Operating Officer, Senior Leadership Team, Planning and Performance Team.

**List of Annexes:** None

**Publication decision:** This report can be published internally and externally without redaction.

**Outcome reached:**