

HOW OPEN IS THE UK GOVERNMENT?

UK OPEN GOVERNANCE SCORECARD RESULTS

Transparency International (TI) is the world's leading non-governmental anti-corruption organisation. With more than 100 Chapters worldwide, TI has extensive global expertise and understanding of corruption.

Transparency International UK (TI-UK) is the UK chapter of TI. We raise awareness about corruption; advocate legal and regulatory reform at national and international levels; design practical tools for institutions, individuals and companies wishing to combat corruption; and act as a leading centre of anti-corruption expertise in the UK. TI-UK's registered UK charity number is 1112842.

Acknowledgements

In developing the Open Governance Scorecard indicators, we have used and make extensive reference to various instruments including the right to information legislation rating developed by Access Info Europe and the Canadian Center for Law and Democracy; the Global Integrity Report; the World Bank's Public Accountability Mechanisms Initiative; and the Organisation for Economic Cooperation and Development (OECD) Indicators for measuring openness in government (developed by Involve).

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INTRODUCTION & BACKGROUND

Open governance is achieved through citizens' access to information about government and by their participation in government. Open governance requires that policies are in place to promote transparency, accountability and participation, and that the right tools exist to implement these policies.

This edition of the *Open Governance Scorecard* adds to the 'in-law' scorecard that was published by TI-UK in March 2014. Now, for the first time, we can combine an 'in-practice' assessment to the previous analysis of the UK's legal regime for open governance.

This, now complete, *Open Governance Scorecard* allows organisations and experts with an interest in assessing the conditions for openness to identify whether standards of open governance (both in-law and in-practice) are met in their country. The scorecard can help governments, civil society groups and other key stakeholders, including members of the public, to assess the legal rights and obligations that underpin open governance and the actual practice of open governance. This information will allow advocates to make recommendations and governments to pursue reforms.

The scorecard has been developed by Transparency International (TI), together with other expert organisations working in this field. To date, five Transparency International National Chapters have piloted the scorecard: Ghana, Indonesia, Peru, Ukraine and the UK. The pilots took place between February 2014 and March 2015. TI intends to develop the methodology implemented in this pilot scorecard, and expand the coverage of the research to many more countries and, in so doing, establish internationally comparable research based on the open governance standards.

This UK *Open Governance Scorecard* has been completed by Lucas Amin, with oversight by Nick Maxwell, TI-UK Head of Research, and with support from Adnane Allouaji.

Now, for the first time, we can combine an 'in-practice' assessment to the previous analysis of the UK's legal regime for open governance.

EXECUTIVE SUMMARY

The UK *Open Governance Scorecard* provides a comprehensive review of the UK's legal framework for transparency, participation and oversight. Critically, it also indicates how the system is working in-practice.

Our research finds that the UK's open governance regime is stronger in practice than in law. The UK government has developed its open governance framework – particularly in proactive disclosure transparency and participation – largely through a patchwork of policy initiatives and procedural guidance. With a few notable exceptions, the UK has not developed legislated rights for citizens to access or engage in government, nor created general obligations on public authorities to proactively disclose information or proactively consult. The UK also has a patchwork of different codes of conduct and obligations governing the control and oversight regime at different levels of government.

This approach has strengths. The UK has moved relatively quickly to open up large amounts of public data and achieved good scores on a number of in-practice assessments. This has been achieved in the context of a strong political appetite for various forms of openness, set out in the *Open Government Partnership UK National Action Plan 2013 to 2015* and the *UK National Anti-Corruption Plan*, published in December 2014.

However, there are good reasons to conclude that a light-touch framework, where rights are not enshrined, is not ideal. A policy-driven approach leaves citizens' vulnerable to changing political winds and to discretion within the public sector about whether and how to commit to openness. Under a policy-driven approach, it is difficult to audit the open data work of public bodies, improve bad practice or achieve consistency where necessary. If an authority wishes to suppress data or access to decision-making, there is little the public or regulators can do to stop it and it would be difficult to find out whether such suppression was happening or not.

This scorecard provides insights both into in-law and in-practice issues of concern.

TRANSPARENCY

While the UK scores well for its freedom of information legislation, there are a number of in-practice concerns. Our in-practice assessment found long appeal timelines for those requesting information (an average 44 weeks to receive the information after the first request in the event that an appeal to the Information Commissioner has successfully overturned a departmental decision); poor levels of disclosure in major government departments; and poor decision-making at key stages of appeal that favoured withholding information from the public rather than disclosing it. About half of central government internal reviews, which upheld in full departments' initial handling of requests, were found to be incorrect decisions later on in the appeal process. In practice, requesters under the Freedom of Information Act (FOIA) face considerable hurdles to achieve transparency, and low numbers actually take up the appeals process, when a department doesn't initially disclose the information.

The UK performs well in response to the in-practice indicators of proactive disclosure of information within UK central government. However, in keeping with the weaknesses of a policy-driven approach, there is good and poor practice, and wide variance between the two. There are also limited powers available to monitor and enforce poor compliance with data transparency across government. Many *data.gov.uk* datasets are referenced as 'unpublished' records, and do not disclose the actual data itself.

PARTICIPATION

There are no freestanding legal rights to participate in policy making in the UK. However, many laws create duties on the government to consult or otherwise engage the public when it is considering new policy or changing existing arrangements. In practice, UK government bodies frequently consult with stakeholders on proposed policies and their impacts and, in some cases, the design of public services. In general, the best examples of civic participation in UK government projects can be seen in public service delivery and monitoring.

Our research finds that the UK's open governance regime is stronger in practice than in law

In 2012 the government axed the code of practice on consultations and replaced it with the Better Regulation Executive's consultation principles. Government reporting of participation and consultations is often limited, making it difficult to understand how meaningful these processes are. Again, as a policy-driven approach, participation standards are inconsistent across government and bad practice cannot be easily sanctioned or monitored. In particular, the decision to abolish minimum time limits does appear to be a regressive one for public engagement. Judicial reviews, which are the ultimate UK mechanism for citizens appealing against unlawful lack of consultation, have been restricted in part by the Criminal Justice and Courts Bill.

CONTROL AND OVERSIGHT

The UK's weakest scores are in response to control and oversight indicators. Conflicts of interest are managed in a multitude of different standards and reporting regimes. There is a considerable degree of inconsistency across different tiers of government about whether registers of interest should be declared and published, what they cover and how breaches are sanctioned. Lobbying controls are weak in law and in practice. Information on lobbying is typically not proactively published and, where it is published, produced as inconsistent or limited information. The UK's lobbying law suffers serious deficiencies in scope, which, when it is fully implemented, will prevent it from regulating the majority of lobbying that occurs.

A key plank of citizen oversight is whistleblowing. While the Public Interest Disclosure Act 1998 (PIDA) is scored well as legal protection for whistleblowers, in-practice issues include low levels of awareness of whistleblowing policies, low levels of confidence that complaints will be properly investigated and fear of reprisals. In tandem, public audit and oversight is limited in-practice by the growth of outsourced public services to the private sector. Private contractors are exempt from both citizen and state accountability initiatives designed to ensure that high quality, value-for-money services are provided, and are generally not subject to the FOIA or audits by the National Audit Office (NAO).

RECOMMENDATIONS FOR OPENNESS

It is clear that a genuine culture of openness within the public sector is critical to the success of open governance. Such a culture is one of the most difficult elements of open governance to measure, even in this scorecard. A compliance-based, or tick-box, approach to open governance is a risk to genuine open governance.

However, an open governance regime that is dependent on the discretion of public decision makers will not achieve genuine accountability and effective open governance.

TI-UK recommends that, particularly with regard to open data quality and participation, successes in the UK's open governance regime that have been achieved through policy should be cemented in enforceable, standard and consistent codes of conduct and standards, including backed up through legislation where appropriate.

We make 10 recommendations in total, of which the following are the three key recommendations:

1. Empower an open data authority to maintain consistent standards of proactive disclosure across the public sector, with a mandate also covering public services that are outsourced to the private sector, and enable a monitoring and sanctions regime to deliver high and consistent standards.
2. Reinstate a consistent code of consultation for public sector authorities, in particular providing a minimum time period for consultation.
3. Seek to harmonise the multitude of ethical codes of conduct across the public sector and ensure that registers of interest and gifts and hospitality declarations are published as open data, enabling comparability and accountability.

The UK's weakest scores are in response to control and oversight indicators

An open governance regime that is dependent on the discretion of public decision makers will not achieve genuine accountability

ABOUT THE OPEN GOVERNANCE SCORECARD

Transparency International's *Open Governance Scorecard* provides a dashboard showing an extensive set of indicators for assessing whether conditions are met to foster open governance around three pillars: transparency, participation and oversight. Together, these three pillars contribute to accountability, responsiveness and efficiency of governments.

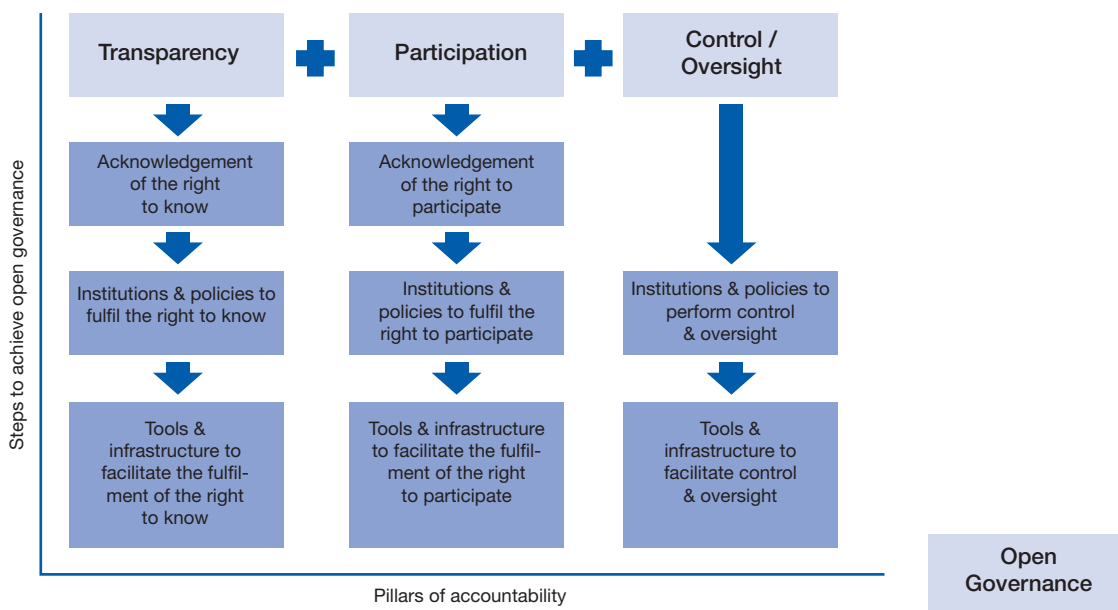
Jointly, they can transform the relationship between citizens, politicians and public officials. The conditions enabling open governance through transparency, participation and oversight lead to specific accountability outcomes.

The roadmap to achieve open governance consists of three key steps:

1. Transparency and participation must be recognised as human rights.
2. The institutional architecture, policies and practices must exist to fulfil these rights and allow for effective control and oversight.
3. These policies and practices must be supported by the necessary tools and the available infrastructure.

Figure 1 summarises these key dashboard elements and the conceptual framework for the Open Governance Scorecard.

Figure 1 – Open Governance Framework



The specific objectives of the scorecard are:

- To identify gaps in the law hindering transparency, accountability and participation.
- To explore methods for assessing whether legal provisions and openness standards are met in-practice.
- To identify what factors prevent the good practice, and propose adjustments to policy, rules and governmental practice.
- To provide specific information to formulate advocacy asks.
- To provide a tool to track progress in promoting open governance in each country in the medium and long term.

The conditions enabling open governance through transparency, participation and oversight lead to specific accountability outcomes

In total, the scorecard is composed of 459 questions

The scorecard is based on a group of 35 open governance *standards*. The resulting set of indicators is designed as a scorecard that includes 129 in-law indicators, and 93 in-practice *indicators* that break down into 330 questions. In total, the scorecard is composed of 459 questions.

In developing the standards and indicators, we have used and make extensive reference to various instruments including the right to information legislation rating (developed by Access Info Europe and the Canadian Center for Law and Democracy); the Global Integrity Report; the World Bank's Public Accountability Mechanisms Initiative; and the Organisation for Economic Cooperation and Development (OECD) Indicators for measuring openness in government (developed by Involve).

Figure 2 – Open Governance Scorecard: pillars, standards and Indicators



The *Open Governance Scorecard* gathers information on:

- **Legal provisions** – rules on open governance established in diverse legal instruments.
- **System arrangements** – how institutions and branches interact between themselves and with citizens to facilitate oversight.
- **Institutional mechanisms** – processes through which a government branch / agency discloses information, facilitates participation or complies with oversight provisions.
- **Disclosure practices** – specific actions that provide public information.

METHODOLOGY¹

Evidence to support the indicator assessment consists of the following sources of information:

1. Legal and regulatory framework (for in-law indicators).
2. Direct testing (only applicable for accessing specific documents and proactively published information).
3. In-depth interviews with responsible government authorities, when information is not easily available to obtain evidence of the condition being tested.
4. In-depth interviews with organisations and specialists to obtain specific evidence of issues associated to the indicator condition being tested.

An indicator can take three values following standard scorecard methodology:

- Condition is met
- Condition is partially met
- Condition is not met

¹ For the full methodology paper please refer to the Open Governance Scorecard Methodology available at www.transparency.org.uk/open

Where the question refers to a specific legal provision or practice which has no plausible intermediate answer the condition will either be met or not met. Where an indicator is only partially met, the scorecard asks for further information to discover why. Where a researcher considers the condition to be met, the source and a citation must be recorded. Where the condition is only partially met or not met, researchers must provide commentary. All sources and commentary are open and can be easily accessed so interested parties can revise and comment on the indicator assessment.²

Finally, the completed scorecard is corroborated through a validation meeting which is held at the end of the research period. This meeting brings together a series of stakeholders, including government officials, experts, academics and civil society organisations to comment on the results of the assessment.

The Transparency International UK 'in-law' open governance scorecard results were published in March 2014. They can be viewed in this report alongside the first 'in-practice' open governance assessment of the UK (see Annex 1 for full indicator results).

2. The full data spreadsheet with score, source and comments for each indicator is available at:
www.transparency.org.uk/open

HOW OPEN IS THE UK'S GOVERNANCE SYSTEM?

This narrative summary does not comprehensively describe the results of the scorecard, which can be viewed in Annex 1 of this report. A complete record of indicator result sources and comments can be accessed directly at www.transparency.org.uk/open. Instead, we present an overview of the key research areas and explore in more detail some of the themes and challenges that emerge from our findings. It was outside the scope of this study to explore the policies of the devolved administrations. The research is focused nationally and the conclusions do not apply to open governance at the local and regional level, except where otherwise stated.

The legal and policy framework for **transparency** in the UK is a mix of directions from the UK Prime Minister to departments about the use of open data and key pieces of legislation – first and foremost the FOIA, but also including the Protection of Freedoms Act and the Re-use of Public Sector Information Regulations.

The **participation** framework in the UK is not established through any general rights in law, but by an overarching set of consultation principles³ and specific pieces of legislation that impose duties on public authorities to consult in specific circumstances.

The **control and oversight** regime is governed by a wide myriad of law, procedures, and policies that vary across different UK public institutions.

The Prime Minister, other senior Ministers and the Cabinet Office have repeatedly stated a policy objective of making the UK “the most open and transparent government in the world”.⁴ In his first month in office after the 2010 General Election, the new Prime Minister David Cameron published a letter which set out the importance of transparency and open data across government to enable the public to hold politicians and public bodies to account. It included deadlines for the publication of information.⁵ The UK was one of eight founding countries of the Open Government Partnership (OGP), which was launched in September 2011 at the United Nations General Assembly and is overseen by a Steering Committee of governments and civil society organisations. The UK government is also committed to deliverables for openness and transparency in government that are explicitly set out in its *OGP UK National Action Plan 2013 to 2015*.⁶

In December 2014, the UK government published its first *National Anti-Corruption Plan* which sets out commitments across government departments. It contains nine actions relating to ‘Understanding and Raising Awareness of the Risks from Corruption’.

At a policy and rhetorical level, for many parts of open governance, high levels of support are evident across the UK government. Our indicators provide greater detail on where this ambition is met and where it falls short, in law and in practice.

The Prime Minister, other senior Ministers and the Cabinet Office have repeatedly stated a policy objective of making the UK “the most open and transparent government in the world”

3. <https://www.gov.uk/government/publications/consultation-principles-guidance> [accessed: 15 March 2015]

4. <http://www.opengovernment.org.uk/national-action-plan/national-action-plan-2013-15/> [accessed: 15 March 2015]

5. <https://www.gov.uk/government/news/letter-to-government-departments-on-opening-up-data> [accessed: 15 March 2015]

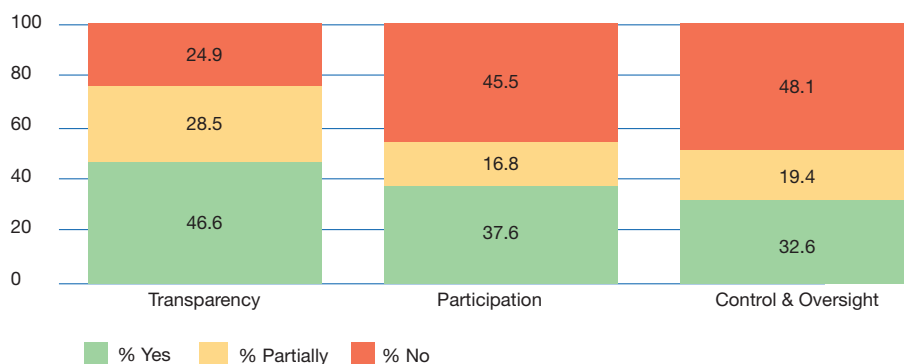
6. Cabinet Office, *Open Government Partnership UK National Action Plan 2013 to 2015* (November 2013)

OVERALL FINDINGS

The UK is strongest in transparency, compared to participation and control & oversight

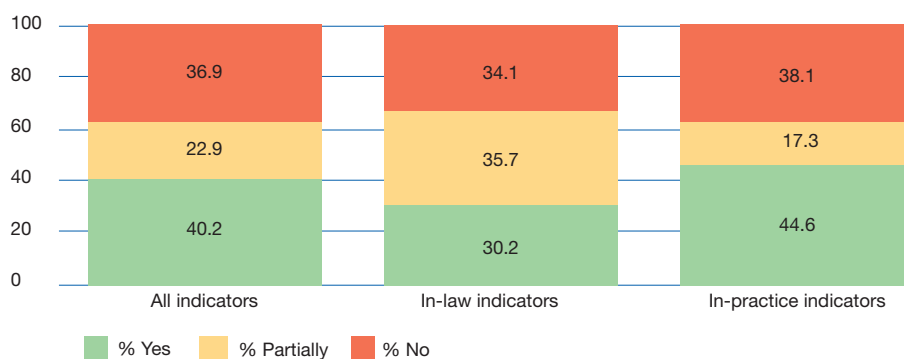
Among the three pillars of open governance, the UK is strongest in transparency, compared to participation and control & oversight. The UK performs marginally better in participation indicators than control & oversight indicators.

Chart 1: UK – all indicators (% of indicators met, partially met, not met)



The UK is stronger on open governance in-practice, compared to the strength of its legal regime for open governance rights and obligations.

Chart 2: UK – comparison of in-law, in-practice and overall indicators
(% of indicators met, partially met, not met)



The UK scored as meeting 44.6 per cent of all in-practice indicators, compared to 30.2 per cent in the in-law assessment. The number of indicators which are partially met (giving a Yellow score), reduced to 17.3 per cent in the in-practice assessment, down from 35.7 per cent within the in-law assessment. A slightly larger proportion of indicators were not met in-practice compared to in-law, 38.1 per cent up from 34.1 per cent.

This finding can be explained in part by the UK's good practice in some areas of open governance, particularly relating to transparency, that are not provided for in any legal framework. For example, the UK's proactive publication policy is not enshrined in law or regulation but is, in practice, relatively strong and efficient. Meanwhile, there are no freestanding rights to participate, but in practice it is common for public authorities to have public engagement strategies and initiatives. There are also instances when laws, which score well on paper, raise concerns in terms of their practical application.

Both the in-law and in-practice *Open Governance Scorecards* are in pilot stage and the methodology continues to be refined. A difference between the two is that the in-practice scorecard has 294 sub-indicators, more than double the in-law's 129. As the number of sub-indicators in each section is not proportionate to the number of in-law indicators, insights based on the differences between in-law and in-practice scores must be carefully interpreted. For example, just two sections (8 and 31) contain 106 in-practice sub-indicators, which together tested only 20 in-law conditions.

Both the in-law and in-practice Open Governance Scorecards are in pilot stage and the methodology continues to be refined

Chart 3: UK – in-law (% of indicators met, partially met, not met)

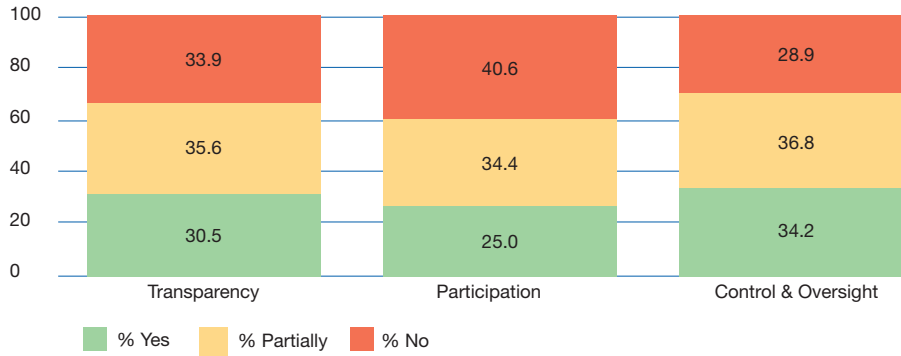
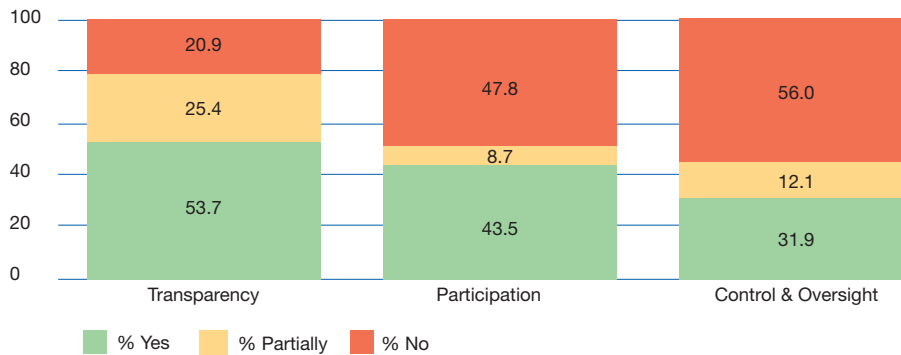


Chart 4: UK – in-practice (% of indicators met, partially met, not met)



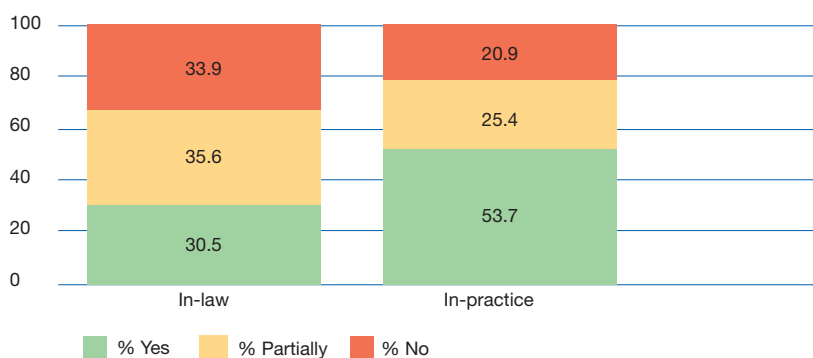
TRANSPARENCY

Transparency is the largest section of the scorecard, with 60 in-law indicators and 143 in-practice sub-indicators. The scorecard tests two types of transparency; the rights-based FOIA and mechanisms for proactive publication of information across the executive, parliament and judiciary.

In-practice transparency indicators show better performance compared to in-law transparency indicators. It scores 72 Green indicators (53.7 per cent), 34 Yellow indicators (25.4 per cent) and 28 Red indicators (20.9 per cent), compared to an in-law score of 18 Green (30.5 per cent), 21 Yellow (35.6 per cent) and 20 Red (33.9 per cent).

This in-practice performance is largely due to the scorecard tests around proactive publication. In the in-law assessment, six indicators test whether government departments are legally mandated to proactively disclose information on their administration, structure and spending, among other issues. The only legal requirement to proactively publish is s.19 of the FOIA which requires public bodies to have a publication scheme but stops short of prescribing exactly how it should work and what it must contain.

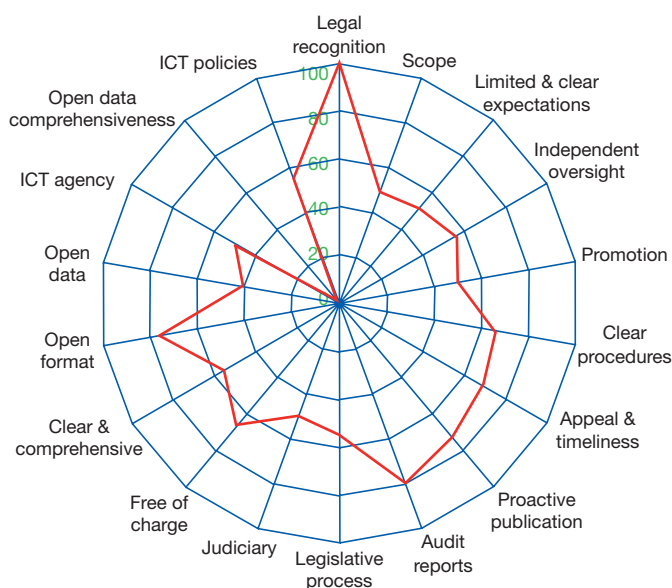
Chart 5: UK transparency indicators (% of indicators met, partially met, not met)



The in-practice scorecard tests more precisely what kinds of information are actually published by government departments and develops these six in-law indicators into 58 in-practice sub-indicators.

The scorecard tests two types of transparency; the rights-based FOIA and mechanisms for proactive publication of information

Chart 6: transparency % score by standard



The Freedom of Information Act

The FOIA scores well on the in-law indicators related to the quality of oversight provided by the Information Commissioner's Office (ICO) and for its appeals process, which is free to use and relatively accessible. However, there are some significant problems with the appeals process in terms of outcomes, timelines and, perhaps consequently, the numbers of requests taken to appeal. Moreover, our analysis also suggests that some of the most powerful Whitehall departments have the worst FOIA compliance records.

Poor disclosure performance from key departments. Ministry of Justice (MoJ) data shows that the disclosure rates of key Whitehall departments are consistently, and sometimes significantly, lower than the central government average. Over the four year period 2010 to 2013, the 21 departments of state responded in full to 56 per cent requests and provided no information in 28 per cent of cases.⁷ The Cabinet Office was the worst performer in Whitehall over the four year period (28 per cent disclosed, 50 per cent withheld). The MoJ came second (35 per cent disclosed, 50 per cent withheld), and the Foreign & Commonwealth Office, Treasury and the Home Office performed marginally better but were still the wrong side of both averages. It may be that these rates reflect the specific or sensitive nature of the departments' work. However, the Ministry of Defence, another large department which handles sensitive information (national security and commercial confidential data), has far better disclosure statistics (64 per cent disclosed, 21 per cent withheld).

Poor internal review decisions. Our analysis suggests that there is widespread failure within central government departments at the first stage of appeal – 'internal review'. When a FOIA request is refused, the requester can submit an appeal to the authority which issued the decision. This is known as an internal review. MoJ statistics show that central government departments have upheld in full their initial handling of requests 75.5 per cent of the time for the calendar years 2010, 2011, 2012 and 2013.⁸ In the next stage of the appeals process requesters can challenge the decision by appealing to the Information Commissioner. ICO data shows that over the same four-year period the ICO upheld or partially upheld 52 per cent of complaints about central government departments.⁹ This suggests about half of central government internal reviews, which upheld in full departments' initial handling of requests, were incorrect judgments that overly restricted open governance in the UK.

7. Figures are derived from outcomes (T6) tables in Ministry of Justice Freedom of Information Act statistics tables for 2010, 2011, 2012 and 2013. <https://www.gov.uk/government/collections/government-foi-statistics>

8. Figures are presented in Summary (T1) table of Ministry of Justice Freedom of Information Act statistics tables for October to December [and annual] 2013. <https://www.gov.uk/government/statistics/freedom-of-information-statistics-october-december-2013-and-annual>

9. Figures derived from ICO's Decision Notice repository, using filters to refine the date range to 2010-2013 and the public body type to central government (731 Central Government Decision Notices 'not upheld' /1511 total Central Government Decision Notices)*100 = 48per cent. Link: <http://search.ico.org.uk/ico/search/decisionnotice> (filters: body type: CG; From:01/01/2010-31/12/2013).

There are some significant problems with the appeals process

This means that a requester could wait, on average, 44 weeks from the date of the initial request after using the appeals process

Public bodies which do not apply the FOIA correctly are rarely challenged and held to account,

Long appeal timelines. The duration between the date of a complaint to the ICO from a citizen and the date on which the ICO issues a decision notice is typically five months, our analysis suggests. Transparency International reviewed all of the 95 ICO Decision Notices published in January 2015 and found that, on average, the ICO issued a Decision Notice 22 weeks after the date of the complaint.¹⁰ However, this does not reveal the full period which requesters had to wait. Complaints were submitted to the ICO, on average, 17 weeks after the initial FOIA request was made. This means in total, a requester waited an average of 39 weeks for the publication of a Decision Notice. Where the disclosure of information is ordered in a Decision Notice, public authorities are given five weeks to comply. This means that a requester could wait, on average, 44 weeks from the date of the initial request to actually receive the requested information after a successful appeal. One of the reasons for long appeal averages may be as a result of budget reductions, as the ICO is operating on 23 per cent less budget compared to 2010-11.

Low use of the appeal process. Between 2010 and 2013, a total of 192,222 FOIA requests were submitted to 21 central government departments and 20 other 'monitored' bodies. More than half of these – 56 per cent – were granted in full and 28 per cent were withheld in full. This suggests that 16 per cent were partially granted. The total number of requests not granted in full is 44 per cent of requests. In total numbers of requests, this means that requesters could have considered submitting their request for internal review in 84,578 instances. However, over the same time period only 9,399 internal reviews were submitted, a rate of around one in ten.

Only a fraction of internal review decisions are appealed at the next level to the ICO. In the same period 2010 to 2013, MoJ statistics indicate that 1337 complaints were submitted to the Information Commissioner. On average 76 per cent of internal reviews uphold the initial handling in full, and therefore may be brought to the ICO appeal process. Between 2010 and 2013, this means there were at least 7,143 instances where an ICO complaint could have been submitted about a central government department.¹¹ The 1337 complaints actually recorded suggest the rate of ICO complaints between 2010 and 2013 was no higher than 19 per cent.

The low volume of appeals at internal review and ICO stages is concerning. It suggests that public bodies which do not apply the FOIA correctly are rarely challenged and held to account, internally or externally.

Proactive transparency

The proactive transparency sections of the scorecard test the proactive publication of information by key government departments, Parliament and the judiciary. The results for government departments in scope and for Parliament are strong, while judicial transparency is slightly weaker.

The UK's open data regime is largely accessible through the dedicated <http://data.gov.uk/> site. Corporate departmental annual reports, mid-year reports and business plans are accessible online. Information on the outcomes and results of programs are also frequently published in freestanding reports and datasets. Detailed information on policy goals, activities and indicators is outlined in departmental Structural Reform Plans and available on the Number 10 Transparency site, which helps citizens to understand core government priorities and its progress in implementing them.

The UK scores well for the transparency of the legislative process. Parliament publishes administrative information about its staff and structure, the operational rules of proceedings and information on the parliamentary schedule, although this doesn't include information on Select Committee work.

International studies like the UN Open Data Barometer rank the UK as the world's leading country on open data publication¹² and our findings are broadly consistent with that assessment, although there is room for improvement.

10. Transparency International UK research - Recorded the date of complaint and date of DN issue for 95 DNs and then averaged the time between the two dates.

11. Figures are presented in Summary (T1) table of Ministry of Justice Freedom of Information Act statistics tables for October to December [and annual] 2013. <https://www.gov.uk/government/statistics/freedom-of-information-statistics-october-december-2013-and-annual>. *The real number of potential appeals is probably higher because the data does not include partially upheld decisions.

12. UN *Open Data Barometer (second edition)* (January 2015) <http://opendatabarometer.org/report/analysis/rankings.html>

There are also very limited powers available to monitor and enforce poor compliance with data transparency

Not publishing performance data. Research by the Institute of Government suggests that not all departments have integrated the performance indicators in their Structural Reform Plans with their internal accountability systems. The Whitehall Monitor 2013 report states: “many departments have confirmed that they view the Structural Reform Plans primarily as a public-facing exercise mandated by the centre and that they are not integrated into their internal accountability or performance systems”.¹³ Their use for measuring government performance is therefore limited.

Variable quality and consistency of data. While efforts have been taken forward to raise standards, a lack of standardisation, the use of proprietary formats, patchy data, inconsistency and errors in the published data have all been identified in existing datasets produced by data.gov.uk.¹⁴ There are also very limited powers available to monitor and enforce poor compliance with data transparency from across government. Many data.gov.uk datasets are referenced as ‘unpublished’ records, without disclosing the actual data itself.

Room for improvement in judicial transparency. In the judiciary, some administrative information is published and the procedural rules of judicial deliberations are made public. Although daily schedules of court hearings are published, they are not easy to access or analyse. Judgments are published but background information that informs judicial analysis, including all submissions by parties to a case, are not routinely published.

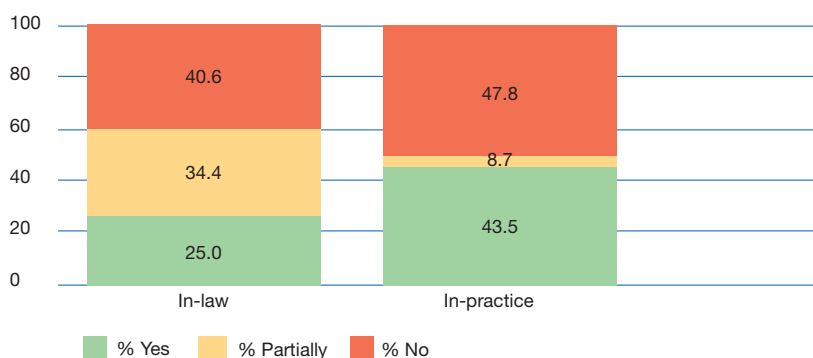
Lack of detail on published spending. Data on departmental spending over £25,000 is provided in monthly publications in reusable formats. But a lack of detail in the data prevents a full analysis and has made it difficult for analysts to determine the purpose and ultimate beneficiaries of procurement spending. For example, Private Finance Initiatives and joint venture companies are usually created for the purpose of a specific contract and are not companies themselves, according to a joint report by the Institute for Government and the Spend Network.¹⁵ Other supplier information is sometimes redacted for other reasons, while the £25,000 threshold (which triggers publication) means that the government’s spending on small contracts, often delivered by Small to Medium Enterprises, cannot be evaluated.

PARTICIPATION

There are no freestanding legal rights to participate or be consulted in the UK. In practice, government bodies frequently consult with stakeholders on proposed policies and their impacts, and in some cases on the design of public services. Moreover government reporting of participation and consultations is often limited, making it difficult to understand how meaningful these processes are.

The in-practice participation score is 30 Green indicators (43.5 per cent), 6 Yellow indicators (8.7 per cent) and 33 Red indicators (47.8 per cent), which is very different from the in-law results of 8 Green (25 per cent), 11 Yellow (34 per cent) and 13 Red (40.6 per cent). The low number of in-practice Yellow scores is a reflection of the greater specificity of the in-practice indicators. There are no specific tests which dominate the explanation for the differences between in-law and in-practice scores. 28 in-practice indicators test whether selected government departments and regulators have mechanisms in place for citizen engagement in policy formulation and the monitoring of services, and whether these bodies report their results.

Chart 7: UK – participation (% of indicators met, partially met, not met)



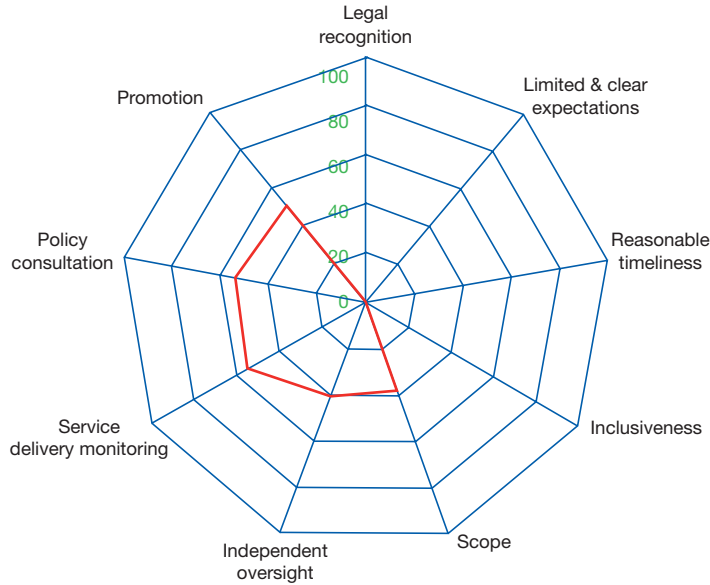
13. Institute for Government *Whitehall Monitor 2013* (p.63) (August 2013) <http://www.instituteforgovernment.org.uk/publications/whitehall-monitor-2013>

14. “Poor data quality hindering government open data programme”, *Computer Weekly*, 28 August 2014.

15. http://www.instituteforgovernment.org.uk/sites/default/files/whitehall-monitor/WM_GovernmentContracting_ProvisionalData.pdf [accessed: 12 December 2014]

There are no freestanding legal rights to participate or be consulted in the UK

Chart 8: participation % score by standard



There are several ways for UK citizens to influence the policy of the departments and regulators included in the scope of this study. However, it is difficult to know the true extent of citizen participation in all cases because the reporting of public engagement is often limited to policy information or a paragraph in an annual report. Responding to government consultations is a key way for UK citizens and organisations to participate in public life. While the practice of consultation is common, the process is undermined by the lack of clear government rules, which lead to differing standards of quality of participation.

While UK citizens have no freestanding rights to participate or be consulted, many laws create duties on the government to consult or otherwise engage the public when it is considering new policy or changing existing arrangements. In a participation framework with limited rights and opportunities for citizen engagement, judicial review provides an opportunity for citizens to hold executive decisions – taken without proper public consultation – to account.

In general, the best examples of civic participation in UK government projects can be seen in public service delivery and monitoring. There are instances of deliberative, collaborative working between the public and third sectors. For example, the Department of Health's NHS Citizen project, funded by NHS England, has commissioned four civil society organisations to design and develop a system to help the NHS listen and engage with public opinion on healthcare issues. The Department of Health, a leading facilitator of public engagement, also funds a healthcare 'consumer champion' organisation called Healthwatch England, which monitors the provision of services. Patient and citizen representation on advisory boards and groups is now also commonplace across the NHS. However, mechanisms for high-quality engagement and monitoring are not scaled across government. Other bodies, such as the Department for Work and Pensions, have no similar initiatives in place.

The government's use of advisory groups has created deliberative spaces at the top of some departments and at a public service level. Advisory groups are numerous and, at their best, bring together public, private and third sectors to discuss issues where external expertise is needed. However, the formulation, governance and transparency of advisory groups is uneven. For example the Business Advisory Group (BAG), composed of 16 senior business people mostly representing large corporations, regularly meets with the Prime Minister, Deputy Prime Minister, Chancellor and Business Secretary to provide "high-level advice" on "critical business and economic issues".¹⁶ Yet information about BAG is not published on the government's repository of information about advisory groups. There is no routinely published information on its activities, meetings or correspondence. Moreover, the seeming lack of public accountability is a matter of public interest. Some of

16. Prime Minister's Office. "Business Advisory Group (news story)". 19 December 2012. <https://www.gov.uk/government/news/business-advisory-group>

In general, the best examples of civic participation in UK government projects can be seen in public service delivery and monitoring

the members of the group are employees of Google,¹⁷ Vodafone¹⁸ and Dyson,¹⁹ which have all been implicated in tax avoidance scandals in the past two years.

Several issues of concern emerge in terms of broad civic participation in UK governance.

Consultation by policy discretion. In 2012 the government axed the code of practice on consultations and replaced it with the Better Regulation Executive's consultation principles. Following criticism from the House of Lords Secondary Legislation Scrutiny Committee²⁰ the principles were redrafted in 2013, but were met with more criticism from the same committee.²¹ The 2013 consultation principles²² give ministers broad discretion to design consultations as they feel it is appropriate and abolish most of the common standards outlined in the code of practice. The committee has raised concerns with the revised consultation policy, based on principles, because it contains no provisions for active monitoring or means of redress, and because the principles' imperative to avoid "disproportionate cost" could be "too easily be applied subjectively".²³ In 2015 the Lords Committee concluded that the practice of government consultation was patchy and that while lots of consultation exercises were effective, it said it had "also seen too many examples where an important policy development has been preceded by a poorly conceived consultation exercise".²⁴

Low levels of direct citizen engagement. Outside a handful of issues, such as the NHS or, for example, the spectacularly popular consultation on the Equal Marriage Bill (a record 228,000 responses), citizen participation in national policy processes is typically done representatively through NGOs. Small civic groups generally struggle to engage due to time and resource restrictions, according to the National Council for Voluntary Organisations.²⁵

Inadequate time periods for consultation. Following the introduction of the 2013 consultation principles²⁶, one of the most significant changes to the rules is that the mandatory 12-week consultation period has been abolished and consultation periods can now range from two to 12 weeks. Civil society organisations interviewed about their participation described significant problems with legislative consultations, including the lack of time in which to respond and a failure by government to provide information that puts the issue in proper context. The timing of consultation in the legislative process, which can often occur after substantial decisions have been taken, can also limit the government's ability to take feedback into account.

CONTROL AND OVERSIGHT

Control and oversight is the weakest pillar of open governance in the UK. The control and oversight section of the scorecard is composed of 38 in-law indicators and 104 in-practice indicators. These in-practice indicators test a variety of measures designed to ensure public sector integrity. The NAO is independent and robust but loses points because it cannot issue sanctions. The conflicts of interest framework for promoting good practice and regulating public life in the UK is a patchwork of laws, rules and codes of conduct, with sizeable gaps in it. Practice differs across the branches and sectors of government and there are few cross-government rules.

One of the most significant changes to the rules is that the mandatory 12-week consultation period has been abolished

17. Public Accounts Committee. "Tax Avoidance - Google". June 2013. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmpubacc/112/112.pdf>

18. The Telegraph. "Vodafone defends zero corporation tax bill (Christopher Williams)". 18 December 2013. <http://www.telegraph.co.uk/finance/newsbysector/mediatechnologyandtelecoms/telecoms/10525215/Vodafone-defends-zero-corporation-tax-bill.html>

19. The Guardian. "A who's who of Britain's legal offshore tax avoidance (David Leigh)". 10 July 2014. <http://www.theguardian.com/business/2014/jul/10/whos-who-britain-legal-offshore-tax-avoidance-james-dyson>

20. House of Lords Secondary Legislation Scrutiny Committee (HoLSLSC) *The Government's new approach to consultation – "Work in Progress"* (January 2013) <http://www.publications.parliament.uk/pa/ld201213/ldselect/ldsecleg/100/100.pdf>

21. HoLSLSC. *The Government's Review of Consultation Principles* (November 2013) <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldsecleg/75/7503.htm>;

22. Cabinet Office *Consultation principles: guidance* (Last updated November 2013) <https://www.gov.uk/government/publications/consultation-principles-guidance>

23. HoLSLSC. *The Government's Review of Consultation Principles* (para.9) (November 2013) <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldsecleg/75/7503.htm>

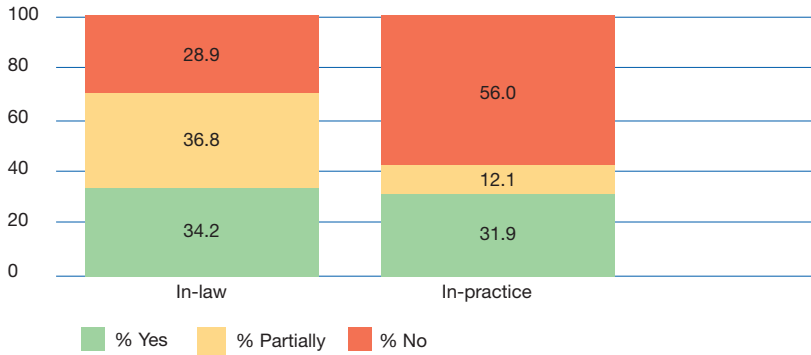
24. HoLSLSC. *Inquiry into Government Consultation Practice* (para. 52) (January 2015) <http://www.publications.parliament.uk/pa/ld201415/ldselect/ldsecleg/98/98.pdf>

25. See indicator result for more details in the full scorecard dataset (Indicator: 20.2.2) at www.transparency.org.uk/open

26. Cabinet Office *Consultation principles: guidance* (Last updated November 2013) <https://www.gov.uk/government/publications/consultation-principles-guidance>

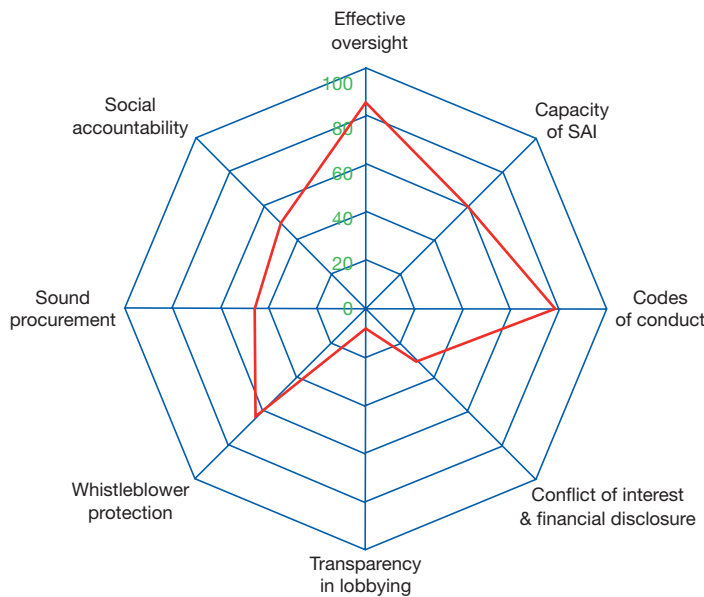
The UK in-practice control and oversight score is 29 Green indicators (31.9 per cent), 11 Yellow indicators (12.1 per cent) and 51 Red indicators (56 per cent), following an in-law score of 13 Green (34.2 per cent), 14 Yellow (36.8 per cent) and 11 Red (28.9 per cent). The higher incidence of failed indicators in practice, compared to in law, is due to in part to cases where practice standards do not match their in-law scores. This occurs for instance in Procurement, where the EU Regulations score 4 Green in-law, but in-practice scores 3 Green, 3 Yellow and 8 Red.

Chart 9: UK – control & oversight (% of indicators met, partially met, not met)



Conflicts of interest indicators demonstrate a clear difference between in-law and in-practice assessments. As there is no central policy on conflicts of interest in the UK public sector the in-law results were often partial scores. The in-practice indicators again provide greater specificity and address each type of public official individually and the result is to reduce the Yellow scores, while increasing the overall number of Red and Green scores.

Chart 10: control and oversight % score by standard



This means the detail of disclosure requirements and prohibitions varies considerably across civil servants, legislators and the judiciary

The NAO is a strong institution which uses its legal powers of audit and records inspection to considerable effect. The organisation has broad oversight across the public sector through its auditing of public sector bodies' accounts, and also examines cross-government issues and topics of public interest importance. Following the dissolution of the Audit Commission, brought about by the Local Audit and Accountability Act 2014, the NAO will have some new functions that will extend its mandate to local government (in some aspects), although private sector auditors will conduct local audits.

Codes of conduct are in place for civil servants, legislators, ministers and the judiciary. They promote honest, impartial and objective professionalism through a principles-based approach. Broadly, the UK has a principles based approach to managing conflicts of interest. This means the detail of disclosure requirements and prohibitions varies considerably across civil servants, legislators and the judiciary. There are no consistent and explicit UK-wide laws governing conflicts of interest in the public sector, although guidance is laid out in the codes of various institutions. In theory, the Bribery Act 2010 could be used to legally underpin the sanctions

against illegitimate conflicts of interest and sanctions against political bribery, if giving or receiving a financial or other advantage in connection with the “improper performance” of a position of trust could be argued. However, there is no precedent for this in-practice.

Lobbying is the lowest scoring section on the scorecard and although the UK offers *some* protection to whistleblowers, this protection is inadequate. UK procurement scores poorly, mainly due to a lack of oversight mechanisms.

Key issues of concern that arise in control & oversight indicators include:

Inconsistency in codes on conflict of interest and disclosures. There is a considerable degree of inconsistency across different tiers of government about whether registers of interest should be declared and published, about what they cover and how breaches are sanctioned. MPs and Lords are required to declare their interests in a public register. But parliamentary rules only require legislators to declare their conflict, they do not have to recuse themselves from debate. Members of the UK House of Commons may accept gifts of up to £660 (1 per cent of a Member’s salary)²⁷ without declaring such gifts, whereas the threshold in the House of Lords is £140. Recent research found that the House of Commons is less transparent and provides less accountability against lobbying risks than the House of Lords and all of the devolved Assemblies and Parliaments.²⁸ Civil servants and judges do not need to register their interests, even in private, but must declare them when a conflict arises. Civil servants must then recuse themselves from the conflicted situation, but judges do not always need to. There is no requirement for any class of public servant to file financial disclosure forms.

Conflicts of interest arising from secondary employment for legislators. The secondary employment of legislators raises substantial conflicts of interest challenges in the UK. 790 Peers in the House of Lords have over 900 directorships between them.²⁹ In 2014, Conservative MPs earned £4.5 million from their second jobs while Labour MPs earned over £2 million.³⁰

Differences in lobbying restrictions among legislators. In the House of Commons, MPs are required to avoid engaging in lobbying “for reward or consideration”. This is set out in a number of parliamentary resolutions dating back to 1695. However, only in the House of Lords is there an explicit prohibition on payment for advice or “parliamentary services” to lobbyists and others.³¹ The House of Commons has no such explicit prohibitions on payment for advice to lobbyists. An example of the loopholes this creates, and the vulnerabilities created by a principles-based approach, is the response of Sir Malcolm Rifkind MP and Jack Straw MP to recent lobbying abuse allegations that they had “broken no rules”³² rather than that they had acted in line with the principles of public service.³³

Narrow coverage of lobbying regulations. The UK’s lobbying law suffers serious deficiencies in scope, which, when it is fully implemented, will prevent it from regulating the majority of lobbying that actually occurs. Most lobbying activities fall outside the legislation’s narrow definitions of lobbying. On the public sector side, the law will not apply to most civil servants, judges, Lords or MPs who are not Ministers. On the lobbyist side, the law covers only “consultant lobbyists” and overlooks other actors who regularly influence government, such as corporations, industry groups or trade unions. The law has been estimated to regulate 1 per cent of all lobbying activity by the Association of Professional Political Consultants.³⁴

27. This threshold is likely to be adjusted following further Parliamentary consideration of the proposals set out in the Standards and Privileges Committee Third Report on the Code of Conduct and the Guide to the Rules published in 28 October 2014 <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmstandards/772/77202.htm> [accessed: 20 Dec 2014]

28. TI-UK *Lifting the Lid on Lobbying* (2015)

29. Information obtained by Freedom of Information Act request submitted to Parliament by Lucas Amin (response received 19 December 2014)

30. The Telegraph. “MPs’ second jobs: How we crunched the numbers (Luke Heighton and Lyndsey Telford).” 22 February 2015. <http://www.telegraph.co.uk/news/investigations/11428076/MPs-second-jobs-How-we-crunched-the-numbers.html>

31. <http://www.publications.parliament.uk/pa/ld/ldcond/504.htm#a11> [accessed: 20 Dec 2014]

32. <http://www.bbc.co.uk/news/uk-politics-31580374> [accessed: 12 December 2014]

33. Known as the Nolan 7 Principles of Public Life <https://www.gov.uk/government/publications/the-7-principles-of-public-life> [accessed: 15 March 2015]

34. <http://www.appc.org.uk/appc-submission-to-lobbying-issues-and-questions/> [accessed: 15 Decemeber 2014]

A Ministry of Defence survey found that only 57 per cent of its staff did not know that a whistleblowing policy existed

Weaknesses in the whistleblowing regime. Public sector whistleblowing should provide a principal method of citizen control of abuse in government. However, typical issues in-practice include low levels of awareness of whistleblowing policies, low levels of confidence that complaints will be properly investigated and fear of reprisals. For example, a Ministry of Defence survey found that only 57 per cent of its staff did not know that a whistleblowing policy existed, 52 per cent of employees who had been concerned about serious wrongdoing within the past two years had not raised their concerns, and 40 per cent of staff felt confident they would not suffer reprisals if they did raise a concern, according to the Public Accounts Committee.³⁵ In February 2015, the Francis Review, an independent inquiry into whistleblowing in the NHS, described the poor treatment of NHS whistleblowers. It states: “Many [people who supplied evidence] described a harrowing and isolating process with reprisals including counter allegations, disciplinary action and victimisation. Bullying and oppressive behaviour was mentioned frequently, both as a subject for a concern and as a consequence of speaking up. They also spoke of lack of support and lack of confidence in the process.”³⁶

Mixed performance on contract management transparency and performance. In general the publicity given to the procurement process and the transparency of key information is mixed; opportunities are advertised and competitive bidding is common practice, although contract awards are only sometimes announced. Citizens can access some basic information on procurement processes online via the Contracts Finder³⁷ service, but this does not include information on how decisions are taken. The record keeping of authorities related to the procurement process varies across public authorities. No organisation has a clear oversight mandate for procurement. The patchy oversight of procurement processes is achieved through the functions of several internal units within the Cabinet Office, such as the Chief Procurement Officer, Major Projects Authority and Mystery Shopper unit. The NAO has repeatedly pointed to evidence of poor contract management across the public sector and the resulting fraud risk.³⁸

The growing accountability gap for outsourced services. A key challenge the NAO now faces is the growing audit gap in outsourced public services, worth £40 billion in central government in 2012 to 2013 and likely to grow. The NAO has no legal powers of audit or inspection of these private bodies, which creates a major accountability gap in public service delivery. The challenge of overseeing contractors is compounded by the widely documented poor contract management and performance reporting in central government.

35. Public Accounts Committee *Whistleblowing* (para.2) (July 2014) <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmpubacc/593/593.pdf>

36. Sir Robert Francis QC *Freedom to Speak Up* (para. 17) (February 2015) http://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_web.pdf

37. Contracts Finder homepage. <https://online.contractsfinder.businesslink.gov.uk/> [accessed: 15 March 2015]

38. NAO *Transforming government's contract management* (September 2014) <http://www.nao.org.uk/wp-content/uploads/2014/09/Cabinet-office-cross-government-transforming-governments-contract-management.pdf>

CONCLUSIONS AND RECOMMENDATIONS

The UK is an interesting candidate for an open governance scorecard. On some measures, the UK can justifiably be considered a world leader in open governance, however UK citizens lack a number of rights related to open governance. The UK's open governance framework, particularly in proactive transparency and participation, has developed through a patchwork of policy initiatives. In control and oversight, the UK also has a patchwork of different codes of conduct and obligations governing conflict of interest declarations and prohibitions. Beyond the FOIA, there has been little appetite for legislation and enshrining citizens' rights to open governance.

Our research confirms that the UK's open governance regime is substantially stronger in-practice, than in law. While there is much to commend in the UK's regime, the scorecard has identified numerous shortcomings as well. A principal question for policy makers moving forward is whether to maintain a policy-driven open governance regime or seek a rights-based regime.

IS GOOD POLICY GOOD ENOUGH?

The UK open data programme has made commendable progress without recourse to legislation, relying on policies and guidance across the public sector. However, there are good reasons to conclude that a light-touch framework, where rights are not enshrined, is not ideal. Firstly, it leaves the system vulnerable to the political momentum behind the open data agenda and to the discretion of policy-makers. David Cameron personally backed the open data agenda ahead of the 2010 election and then prioritised it following the establishment of the 2010 government. Should political winds change, however, there is no legal underpinning to ensure the delivery of open data policy. Secondly, without legislation, it is difficult to audit the open data work of public bodies and achieve high uniform standards and consistency where necessary. If an authority wishes to suppress data, there is little the public or regulators can do to stop it and it would be difficult to find out whether such suppression was happening or not.

Those in executive power may suffer criticism and embarrassment following a disclosure of information in the public interest. Ministers may disagree with one another, or other parts of government, about how much transparency is sufficient. A policy-driven regime gives the holders of information the power to determine whether the public interest test, which carries a degree of subjectivity, is best served by withholding or disclosing information. A fundamental strength of a rights-based approach to transparency is that citizens can challenge decisions by the executive and compel bodies to disclose information.

Our analysis has shown that, even where citizens' rights do exist under FOIA, the executive routinely fails to make the appropriate level of disclosure. Despite its problems, the FOIA appeals process is administered independently by the Information Commissioner and the courts. Both of these independent institutions are demonstrably better placed to judge whether disclosure serves the public interest compared to the executive.

Policy that relies on discretion – on the part of the policy maker – to establish transparency or invite participation presents problems for achieving genuine accountability and effective open governance.

For reasons of data quality, consistency and enforcement there is good reason to move the proactive disclosure transparency in government beyond policy-based regime to a rights-based regime. For participation, a principles based regime can enable poor practice to thrive and denies citizens a strong basis of redress when they need to seek it. For consistency and comparability, the control and oversight regime could also benefit from greater standardisation across the public sector.

CULTURE IS CRITICAL

A genuine commitment on the part of civil servants and policy makers to openness can be highly effective in improving the quality of public policy. This includes the tone set by leaders and managers throughout public sector organisations and adequate training and incentives. However, culture is one of the hardest elements of open governance to measure.

While there is much to commend in the UK's regime, the scorecard has identified numerous shortcomings as well

A principles based regime can enable poor practice to thrive and denies citizens a strong basis of redress when they need to seek it

A compliance-based, or tick-box, approach to open governance is a risk to effective open governance. However, we believe that an effective and genuine commitment to open government, within government itself, and a legal basis to hold bad practice to account, for the benefit of citizens, are not mutually exclusive.

RECOMMENDATIONS

TI-UK recommends that, particularly with regard to open data quality and participation, successes in the UK's open governance regime, achieved through policy, should be cemented in enforceable and consistent codes of conduct and standards, including being backed up through legislation where appropriate.

1. Empower an open data authority to maintain consistent standards of proactive disclosure across the public sector, with a mandate also covering public services that are outsourced to the private sector, and enable a monitoring and sanctions regime to deliver high and consistent standards.
2. Reinststate a consistent code of consultation for public sector authorities, in particular providing a minimum time period for consultation.
3. Seek to harmonise the multitude of ethical codes of conduct across the public sector and ensure that registers of interest and gifts and hospitality declarations are published as open data, enabling comparability and accountability.

ADDITIONAL RECOMMENDATIONS:

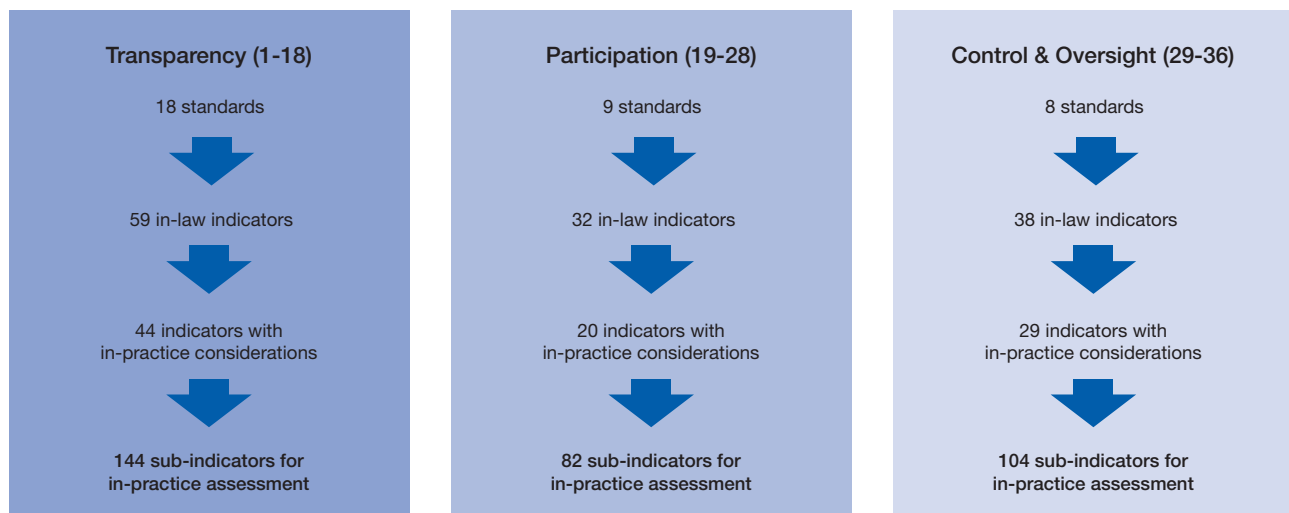
4. Establish mandatory training for civil servant teams to ensure that the underlying reasons for incorrect judgements at the internal review stage for FOIA requests are recognised and corrected.
5. Ensure that departments proactively publish the same performance data externally which they are internally held to account for.
6. The MoJ should consider how to improve the proactive transparency of the judiciary, including making accessible court schedules that look ahead by weeks and months, and publishing material submitted to the Judge during a hearing.
7. The widespread gaps in lobbying transparency and inconsistency in lobbying disclosures and prohibitions across the public sector should be addressed through a cross party commission, led by the Anti-Corruption Champion in government.
8. An open contract standard should be widely implemented across government, with standard clauses developed that empower official audit powers of the NAO and the citizen oversight through the FOIA to cover the relevant private organisations in outsourcing contracts such that public money can be scrutinised and followed into the private sector.
9. Whistleblowing policies should be reviewed and higher standards of training, awareness and consistency should be adopted across the public sector.
10. Ensure that the funding for the ICO is commensurate with its role and it has the ability to maintain high standards of appropriate disclosure in government.

ANNEX 1: STANDARDS, INDICATORS AND UK SCORES

The table below provides the score for each indicator and in-practice sub-indicator. It also provides the complete response to the open questions within the various themes of open governance.

For a spreadsheet with the full source references and comment for each indicator, please visit www.transparency.org.uk/open.

Open Governance Scorecard: dimensions, standards and Indicators (with standard no. range):



Legal recognition of the right to know - The right to access information is recognised in the country's constitution or relevant laws, and a legal framework exists that enables citizens to access information.		
1.1	The fundamental right of access to information is established in the country's legal framework.	
	Answer	Yes
Scope - The right to access information applies to all information held by national and subnational bodies, including all branches of government and organisations performing public functions and operating with public funds. (AIE)		
2.1	The scope of the law or relevant legal framework covers all institutions delivering services to the public at the national level (this includes all public institutions, and private organisations delivering public service).	
	Answer	No
2.2	The scope of the law or relevant legal framework covers all institutions delivering services to the public at the local level (this includes all public institutions, and private organisations delivering public service).	
	Answer	No
2.3	The law or relevant legal framework incorporates provisions to access both general information and specific documents and records.	
	Answer	No
2.4	The law or relevant legal framework affords requesters access to draft and enacted legal instruments, including records of decision-making processes and legislative proceedings.	
	Answer	Yes
2.4.1	Can citizens access draft legislation including committee work?	
	Answer	Yes

2.4.2	Can citizens access draft information related to decision making processes?	
Answer	Yes	
2.4.3	What challenges and obstacles do citizens and organisations face when requesting draft legislative and 'process' information?	
Answer	<p>There are at least three problems faced by requesters who wish to access draft legislative and process information; the overuse and misuse of exemptions, the failure of government departments to properly review internal appeals and time delays when complaining to the Information Commissioner, according to journalists and expert requesters who submitted information to Transparency International UK about their experiences.</p> <p>A common theme among submissions was that public authorities instinctively seek to exempt draft legislative and process information under s.35 and s.36 of the FOIA, which do exempt such information from disclosure, when disclosure would not serve the public interest. However, requesters report that the law is not always properly applied and the public interest not fully considered. As one journalist Margot Gibbs put it, there is “a generalised assumption that if increased transparency would change decision making processes, this would be to the detriment rather than benefit of the process. Hence we see a huge overuse of “policy making” type exemptions.”</p> <p>Samir Dathi, a solicitor and expert user of the FOIA, stated: “Public agencies invoke s.35 or s.36 of FOIA... as a reflex action. At first instance they provide no reasons specific to the case on prejudice and/or public interest. On IR [internal review], they rarely change their position and often continue to rely on boiler plate responses.” Sid Ryan, an investigative journalist, believes that departments will never release sensitive information about draft legislation, which can introduce significant time delays to the process. He stated: “If a request relates to any policy that is at all controversial then it is guaranteed that you will need to appeal to the Information Commissioner to get a meaningful response. As the whole process from beginning to end could take 18 months or more, the policy that you had concerns about will have already been decided upon regardless.”</p>	
<p>Limited and Clear Exceptions to the right to access information - Exceptions are narrowly construed in law and applied judiciously in practice, subject to a well-developed public interest test elaborated through guidance from the information commissioner and courts. (TAI)</p>		
3.1	The standards in the Right to Information Law or equivalent legal framework trump restrictions on information disclosure in other legislation, when there is conflict. The law lists permissible exceptions in detail, and lays out a harm test that applies to all exceptions, so information can only be refused where disclosure poses a risk of actual harm to a protected interest.	
Answer	Partially	
3.1.1	Do authorities apply a 'harm test' when denying access to information requests? (that is, when information is deemed reserved or confidential, and this is weighed against the relevance to the public interest of making it public).	
Answer	Yes	
3.1.2	Does the government have clear guidelines, criteria and procedures to be followed by officials when applying a harm test?	
Answer	Partially	
3.1.3	Does the information commission have clear guidelines, criteria and procedures to be followed by its staff when reviewing a harm test?	
Answer	Yes	
3.2	The Right to Information Law or equivalent legal framework creates a mandatory 'public interest override' establishing that information must be disclosed where this is in the overall public interest, even when a protected interest may be harmed.	
Answer	Partially	

3.2.1	Does the access to information consolidated report or any other document indicate the number of cases in which the government or the commission mandated publicity using a public interest override?
Answer	No
3.2.2	Does the access to information consolidated report or any other document provide a narrative to explain and situate the cases in which it applied a public interest override?
Answer	No
3.2.3	Have any courts ordered protected documents be published appealing to a public interest override in the last two years?
Answer	Yes
3.2.4	What obstacles do organisations and citizens face when appealing an exception based on a public interest override?
Answer	<p>Requesters contacted by Transparency International reported that in their experience, most public authorities do not treat public interest arguments seriously and that it is necessary to complain to the Information Commissioner's Office before a public interest argument can be objectively heard. Samir Dathi, a solicitor at Request Initiative, stated: "Public agencies simply don't take public interest arguments seriously. They ignore the specifics of the public interest argument that the requester has made and instead copy and paste boiler plate arguments, suggesting they consider the exception(s) to be absolute. On IR [internal review], they generally provide no more than a token reference to the specific public interest argument." Sid Ryan, from the Centre for Investigative Journalism, said: "I've given up on getting public authorities to properly weigh public interest arguments. Most of my requests are for commercially sensitive information, so the public authority will always tend towards protecting the interests of their contractors and/or their interest in not being sued for disclosure of confidential information over the legitimate public interest in the information... the only body that will meaningfully assess public interest arguments is the Information Commissioner."</p> <p>A researcher who works for a small NGO stated in a personal capacity that the resources required to write a compelling public interest argument are limited, particularly when faced with public bodies who do not appear to engage meaningfully with them. She wrote: "It takes a long time to appeal exceptions based on a public interest override. You have to formulate powerful, persuasive arguments, and that can take up much resources. It is disheartening to put in the effort and receive an acknowledgement which reads like the authority has not even considered your arguments. When you really want the information, you're facing a very long process, and may need to seek advice from lawyers. It's time and expenses that freelancers and researchers from small organisations just don't have."</p>
3.3	The Right to Information Law or equivalent legal framework does not consider secrecy overrides, which would allow public officials to override information commission or judicial orders to disclose.
Answer	No
3.3.1	Have any information commission or judicial orders to disclose information been overruled or disregarded in the last two years?
Answer	yes
3.4	The Right to Information Law or equivalent legal framework considers 'hard overrides' mandating the publicity of information in specific cases of great relevance to the public interest, for example in case of grave human rights' violations, in cases of corruption or crimes against humanity.
Answer	No
3.5	Information requested but reserved or confidential must be released as soon as an exception ceases to apply. The Right to Information Law or equivalent legal framework explicitly states that information must be released as soon as an exception ceases to apply, and considers a time limit of no more than 20 years to secret information.
Answer	Partially

3.6	The Right to Information Law or equivalent legal framework establishes a 'severability clause' indicating that when only part of a record is covered by an exception, the remainder must be disclosed through a 'public version'.	
	Answer	Yes
3.6.1	Does the access to information consolidated report or any other document indicate the number of documents partly made public through 'public' versions of reserved or confidential information?	
	Answer	No
3.6.2	Have any public versions of reserved or confidential documents been made public in the last two years?	
	Answer	Yes
3.6.3	Have any documents that should have a public version been withheld by authorities in the last two years?	
	Answer	No
3.6.4	What obstacles do organisations and citizens face to obtain public versions of reserved information?	
	Answer	Requesters reported to Transparency International that authorities sometimes redact documents without specifying the legal or public interest reason for redaction. This makes it difficult to challenge the redactions on appeal. Moreover, requesters stated that authorities often err on the side of caution and redact non-sensitive information, which leaves the document difficult to understand in context.
3.7	When refusing to provide access to information, public authorities must state the exact legal grounds and reasons for the refusal, and inform the applicant of the relevant appeals procedures.	
	Answer	Yes
3.7.1	Is it common practice for authorities to provide detailed justification of the refusal?	
	Answer	Yes
The right to access to information is overseen by an independent body with a broad mandate. It can review compliance, it may undertake ex officio investigations, receive and rule on complaints from the public, and it is empowered to ensure compliance and impose sanctions, where appropriate. (AIE)		
4.1	The Right to Information Law or the equivalent legal framework authorises a central body / agency to oversee the right to access information, and mandates its independence from the Executive.	
	Answer	Yes
4.1.1	Do branches other than the Executive participate in the appointment of information commissioners?	
	Answer	Yes
4.1.2	Does the information commission formulate its own budget?	
	Answer	No
4.1.3	Is the budget allotted to the information commission sufficient to allow it to carry out its functions?	
	Answer	No
4.1.4	Is the information commission free from political interference?	
	Answer	Yes

4.1.5	What other obstacles and challenges does the agency overseeing access to information face to act independently?	<p>Answer</p> <p>In general the necessary measures to ensure the independence of the Information Commissioner's Office (ICO) are in place. The ICO has statutory powers, reports directly to Parliament and the Justice Select Committee is involved in the Commissioner's appointment. One challenge the ICO faces is securing sufficient funding to carry out its work. As the evidence in 4.1.3 points out, the ICO has faced significant successive cuts to its budget, and spending in 2014-15 is 28% lower than it was in 2010-11 (across the entire organisation). At the same time, the ICO's workload is steadily increasing. In 2010-11 the agency received 4,374 FOIA complaints while in 2013-14 that figure was 5,151. The Commissioner Christopher Graham has not been silent on the matter. He expressed his concern clearly in the ICO's 2013-14 report: "Our grant-in-aid from the Ministry of Justice, which has been cut in every year since I became Information Commissioner in 2009, is simply not adequate for us to do the work we could and should be doing to promote greater efficiency and accountability in the public service." The ICO cannot determine its own budget, which is a threat to its independence.</p>
4.2	The mandate of the central body / agency overseeing access to information covers all records.	<p>Answer</p> <p>Yes</p>
4.3	The mandate of the central body / agency overseeing access to information includes overseeing open data policies and guidelines.	<p>Answer</p> <p>No</p>
4.4	The mandate of the central body / agency overseeing access to information explicitly considers the capacity to undertake ex officio investigations, receive and rule on public complaints, and the power to take appropriate action to ensure compliance, and impose sanctions.	<p>Answer</p> <p>Partially</p>
4.4.1	Has the agency overseeing access to information taken on independent investigations in the last two years?	<p>Answer</p> <p>Yes</p>
4.4.2	Does the agency overseeing access to information receive public complaints?	<p>Answer</p> <p>Yes</p>
4.4.3	Are public complaints received by the agency overseeing access to information reported in their consolidated report?	<p>Answer</p> <p>Yes</p>
4.4.4	Has the agency overseeing access to information issued sanctions to ensure compliance in the last two years?	<p>Answer</p> <p>No</p>
4.4.5	Are the sanctions imposed by the agency overseeing access to information detailed in the agency's consolidated report?	<p>Answer</p> <p>No</p>
<p>Promotion - Significant power and funding is provided to a central body to promote the right to information. This should include a substantial budget for public education on the right to access to information and the ability to require public authorities to take measures to address structural problems.</p>		
5.1	A central body / agency is given overall responsibility for promoting the right to access information, and public awareness raising efforts are required to be undertaken by law.	<p>Answer</p> <p>Yes</p>

5.1.1	Have there been any activities or campaigns to promote the right to access information in the last two years?	
	Answer	No
5.1.2	What are the main challenges faced in the country to promote access to information and make it accessible to people, citizens, groups and organisations?	
	Answer	<p>The ICO is responsible for promoting the 'Right to Know', however, it has not undertaken any activities to promote it in the past two years. It is unclear where the promotion of the FOIA sits as an organisational priority, but it is unlikely to be near the top, while the ICO is under such financial pressure. A recurring theme of this study is the ICO's funding. The office's budget has been cut by 28% from 2011 to 2014, while the volume of work it does has increased, leaving it badly under resourced. The ICO is unlikely to spend resources on promotion while it makes its staff redundant and struggles to cope under its ever increasing workload.</p> <p>There are several further factors which inhibit access to information. Dr Ben Worthy, an academic who has published a book on the FOIA and has another one forthcoming, told Transparency International that encouraging citizens to use the FOIA is not straightforward because the process seems legalistic and difficult to the inexperienced. FOIA is designed, however, to be user friendly and put the burden of interpreting the legislation correctly onto the public authority receiving the request. At the same time, requesters who wish to enter the appeals process will get more positive results if they understand how the law and the public interest test works. Appeals are often crucial in ensuring the disclosure of sensitive information and therefore an important part of making the law accessible is to encourage use both at a basic and advanced level.</p>
5.2	A central body / agency has the legal obligation to present a consolidated report to the legislature on implementation of the law. Public authorities are required to report annually on the actions they have taken to implement their disclosure obligations. This includes statistics on requests received and how they were dealt with.	
	Answer	Partially
5.2.1	Is there a consolidated report on access to information?	
	Answer	Yes
5.2.2	Does the consolidated report include detailed statistics of requests, appeals and judicial oversight?	
	Answer	No
5.2.3	Does the consolidated report include actions carried out to implement disclosure obligations by agency?	
	Answer	Partially
Clear procedures -The rules and mechanisms to access information, to review decisions made regarding the publication of information and contest exceptions are established in the law, along with the timeframes and mechanisms to introduce these requests for review and legal recourses.		
6.1	Requesters are not required to provide reasons for their requests, only the details necessary for identifying and delivering the information.	
	Answer	Yes
6.2	The procedures for making requests are laid out in clear guidelines. Requests can be submitted by any means of communication (written, electronic and oral form) with no requirement to use official forms.	
	Answer	Partially
6.2.1	Are there government wide or agency specific guidelines documents indicating how to access information?	
	Answer	Yes
6.2.2	Does the consolidated report include information on requests by type of request?	
	Answer	No

6.3	Public officials are legally required to provide assistance to help requesters formulate their requests, or to contact and assist requesters where requests made are vague, unduly broad or otherwise need clarification. Public officials are also legally required to assist requesters who require it because of special needs, when they are illiterate or disabled.	Answer	Yes
6.4	Procedures are in place for situations where the authority to which a request is directed does not have the requested information. This includes an obligation to inform the requester that the information is not held, and to refer the requester to another institution or transfer it to the instance where the public authority knows the information is held, when that is the case.	Answer	Yes
6.4.1	Do government agencies provide guidance to requesters when information is held in another institution?	Answer	No
Right to appeal and reasonable timelines – The adjudication processes to determine access to information are structured to ensure information can be accessed promptly by requesters, and all internal and external appeal mechanisms are clearly laid out, simple, free and completed within clear timelines (AIE).			
7.1	The Right to Information Law or equivalent legal framework lays out clear and reasonable maximum timelines for responding to requests (no more that 20 working days).	Answer	Yes
7.1.1	Does the access to information consolidated report or other oversight document record average response times for requests?	Answer	Yes
7.1.2	In practice, do citizens receive responses to information requests in less than 20 days?	Answer	Yes
7.2	The Right to Information Law or equivalent legal framework lays out guidelines for time extensions (no more that 20 working days) including a requirement to notify requesters of the extension, and provided them with the reasons for the extension.	Answer	Partially
7.2.1	In practice, do authorities notify requesters when they require an extension of the limit to respond to an access to information request?	Answer	Yes
7.2.2	In practice, do authorities resolve information requests for which they required an extension in less than 20 days?	Answer	Yes
7.3	Requesters have the right to appeal, and the Right to Information Law or equivalent legal framework explicitly considers a free and accessible mechanism for internal appeal.	Answer	Partially
7.3.1	Do citizens have free and easy access to appeal a decision to withhold information internally?	Answer	Yes
7.3.2	Does the access to information consolidated report or other oversight document include statistics on internal appeals?	Answer	Yes
7.3.3	Does the access to information consolidated report or other oversight document record average time it takes to resolve internal appeals?	Answer	No

7.3.4	What are the main challenges faced by citizens when appealing refusals?	
	Answer	<p>Requesters contacted by Transparency International for this research reported that both a general lack of awareness about the appeals procedure and a lack of knowledge of how the law works often prevent citizens appealing refusals. Certainly, something prevents requesters from submitting appeals. According to Ministry of Justice Statistics, 55% of the 51,696 requests made to central government and the other bodies which it monitors were granted in full in 2013, meaning 45% of those requests (23,263) were not granted in full. Yet only 2832 requests for internal reviews were submitted to the same bodies in the same time period, a rate of just more than one in ten. Requesters also report a lack of confidence that the internal appeal will be properly heard.</p> <p>Statistics suggest that central government departments have failed to apply the law properly at the first stage of appeal, or internal review stage, and frequently upheld their own poor decisions over a four year period. When a Freedom of Information Act request is refused, a requester can submit an appeal to the authority which issued the decision. This is known as an internal review. Ministry of Justice statistics show that central government departments have upheld in full their initial handling of requests 75.5% of the time for the calendar years 2010, 2011, 2012 and 2013.</p> <p>In the next stage of the appeals process requesters can complain to the Information Commissioner's Office (ICO), an independent authority with statutory powers to rule on complaints brought by citizens about Freedom of Information Act requests. ICO data shows that over the same four year period the ICO upheld or partially upheld 52% of complaints about central government departments. This suggests about half of the 75.5% of central government internal reviews which upheld in full departments' initial handling of requests were incorrect.</p>
7.4	The Right to Information Law or equivalent legal framework lays out clear and reasonable maximum timelines for internal appeals (no more that 20 working days).	
	Answer	No
7.4.1	In practice, do authorities resolve internal appeals to information requests in less than 20 days?	
	Answer	No
7.5	Requesters have the right to appeal, and Right to Information Law or equivalent legal framework explicitly considers a free and accessible mechanism for appeal to an external oversight body.	
	Answer	Yes
7.5.1	Do citizens have free and easy access to appeal a decision to withhold information before the information commission or equivalent oversight body?	
	Answer	Yes
7.5.2	Does the access to information consolidated report or other oversight document include statistics on external appeals?	
	Answer	Yes
7.5.3	Does the access to information consolidated report or other oversight document record average time it takes to resolve external appeals?	
	Answer	Yes

7.5.4	What are the main challenges faced by citizens when appealing refusals?	
	Answer	<p>Citizens complaining to the ICO must be prepared to wait for a decision. The ICO does not publish the average length of time it takes to issue a decision notice. The office has improved its waiting times in the past few years, it is widely acknowledged, but nonetheless the duration between the date of the complaint and the date on which the ICO issues a decision notice is usually several months.</p> <p>Transparency International reviewed all of the 95 ICO Decision Notices published in January 2015 and found that, on average, the ICO issued a Decision Notice 22 weeks after the date of the complaint. However, this does not reveal the full period which requesters had to wait. Complaints were submitted to the ICO, on average, 17 weeks after the initial request was made. This means in total, a requester waited an average of 39 weeks for the publication of a Decision Notice. Where the disclosure of information is ordered in a Decision Notice, public authorities are given five weeks to comply, meaning that a requester could wait, on average, 44 weeks to actually receive the requested information, from the date of the initial request.</p> <p>A weakness of the Freedom of Information Act is that it does not specify time limits in which internal reviews or ICO complaints should be completed, but the law envisages that public authority responses should be prompt. Section 10 of the Act states that requests should be dealt with “promptly, and in any event, not later than 20 working days from date of receipt.” It is unlikely that policy-makers intended or anticipated that requesters would wait an average of up to 44 weeks to get their hands on information.</p> <p>Another challenge facing requesters who complain to the ICO is that its decisions are becoming less favourable. A review of the ICO’s Decision Notice outcomes publishes in its annual reports shows that the percentage of complaints not upheld has steadily risen from 45% in 2010-11 to 61% in 2013-14. The percentage of complaints upheld in full has remained relatively constant, averaging 26.5% over the same period. The ICO’s partially upheld Decision Notices have been the casualty, steadily declining from 29% in 2010-11 to 14% in 2013-14.</p> <p>Why has the number of partially upheld decisions halved in four years? The answer probably lies in the ICO’s budget cuts, which has decreased by 23% in the same time period, and the time it takes to issue a partially upheld Decision Notice. Our analysis of the ICO’s 95 Decision Notices published in January 2015 shows that 17 of these were partially upheld (around 18%). These cases took the ICO an average of 28 weeks to issue a Decision Notice, suggesting that a partially upheld decision is more complicated to provide. The ICO is compelled to do more with less and one consequence of this could be that it has less time to make considered, balanced judgements.</p>
7.6	The Right to Information Law or equivalent legal framework lays out clear and reasonable maximum timelines for external appeals (no more than 20 working days).	
	Answer	No
7.6.1	In practice, do authorities resolve external appeals to information requests in less than 20 days?	
	Answer	No
7.7	Requesters have the right to lodge a judicial appeal, in addition to the appeal before an external oversight body, and the Right to Information Law or equivalent legal framework explicitly considers a free and accessible mechanism for judicial appeal.	
	Answer	Yes
7.7.1	Do citizens have free and easy access to appeal a decision to withhold information before the courts?	
	Answer	Yes

7.7.2	Does the access to information consolidated report or other oversight document include statistics on judicial review?	
	Answer	No
7.7.3	What are the main challenges faced by citizens when litigating access to information?	
	Answer	Litigating access to information can be challenging for members of the public. There is no legal aid available for Information Tribunal cases so litigants must find funding for their own legal costs if they wish to use legal representation. These costs can be prohibitive. Furthermore, the other party to an information rights hearing under FOIA is always a public body, which typically has both in-house legal capacity and resources to hire further support, such as a barrister. Most requesters do not have backgrounds in law and may not understand complexities of legal argument and process in general, as well as the finer points of how the FOIA works.
Proactive Publication - Access to information laws explicitly require public institutions to proactively publish relevant information, and include a list of program and sectorial information that must be made public. (AIE)		
8.1	The legal framework explicitly requires the publication of the seven documents in the budget process for which the Executive and Legislative branches are responsible, including: the pre-budget report, the budget proposal, a citizen budget, the approved budget, a mid-year review, quarterly in-year reports and an year-end report.	
	Answer	Yes
8.1.1	Are the budget documents public, published and online, available for review?	
	Answer	Yes
8.2	The legal framework requires that all oversight and accountability reports carried out by internal and external control agencies, including legislative committees when they carry out oversight functions, be made public.	
	Answer	No
8.2.1	Are reports issued by oversight agencies (including the Ombudsman, Regulatory agencies and Legislative Committees, when they act to oversee the Executive) public, published and online, available for review?	
	Answer	Yes
8.3	The legal framework requires national authorities in at least the following sectors to proactively publish information on policy actions, outcomes and results: education, health, social services, human rights, security, development and housing.	
	Answer	Partially
8.3.1	Does the Ministry of Education proactively publish information of its programs, outcomes and results?	
	Answer	Yes
8.3.2	Does the Ministry of Health proactively publish information of its programs, outcomes and results?	
	Answer	Yes
8.3.3	Does the Ministry in charge of Social Services publish information of its programs, outcomes and results?	
	Answer	Yes
8.3.4	Does the agency in charge of Human Rights defence and promotion publish information of its programs, outcomes and results?	
	Answer	Yes
8.3.5	Does the Ministry in charge of National Security publish information of its programs, outcomes and results?	
	Answer	Yes
8.3.6	Does the Ministry in charge of Development publish information of its programs, outcomes and results?	
	Answer	Yes

8.3.7	Does the Ministry in charge of Housing publish information of its programs, outcomes and results?	
	Answer	Yes
8.4	The legal framework requires national authorities in at least the sectors indicated above to publish the following organisational information: information detailing the structure of authority in the agencies and institutions under the sector, an organogram of the different agencies and bureaus in the sector, and the operational rules under which agency functions are carried out, detailed program information (program goals, activities, indicators) and program specific rules, when they exist.	
	Answer	Partially
8.4.1.a	Does the Ministry of Education publish information of its organisational structure, including an organogram, the different agencies under its authority and the operational rules of each agency?	
	Answer	Partially
8.4.1.b	Does the Ministry of Education publish detailed program information (program goals, activities, indicators)?	
	Answer	Yes
8.4.1.c	Does the Ministry of Education publish program specific rules?	
	Answer	Partially
8.4.2.a	Does the Ministry of Health publish information of its organisational structure, including an organogram, the different agencies under its authority and the operational rules of each agency?	
	Answer	Partially
8.4.2.b	Does the Ministry of Health publish detailed program information (program goals, activities, indicators)?	
	Answer	Yes
8.4.2.c	Does the Ministry of Health publish program specific rules?	
	Answer	Partially
8.4.3.a	Does the Ministry in charge of Social Services publish information of its organisational structure, including an organogram, the different agencies under its authority and the operational rules of each agency?	
	Answer	Partially
8.4.3.b	Does the Ministry in charge of Social Services publish detailed program information (program goals, activities, indicators)?	
	Answer	Yes
8.4.3.c	Does the Ministry in charge of Social Services publish program specific rules?	
	Answer	Yes
8.4.4.a	Does the agency in charge of Human Rights defence and promotion publish information of its organisational structure, including an organogram, the different agencies under its authority and the operational rules of each agency?	
	Answer	Yes
8.4.4.b	Does the agency in charge of Human Rights defence and promotion publish detailed program information (program goals, activities, indicators)?	
	Answer	Partially
8.4.4.c	Does the agency in charge of Human Rights defence and promotion publish program specific rules?	
	Answer	Yes
8.4.5.a	Does the Ministry in charge of National Security publish information of its organisational structure, including an organogram, the different agencies under its authority and the operational rules of each agency?	
	Answer	Partially

8.4.5.b	Does the Ministry in charge of National Security publish detailed program information (program goals, activities, indicators)?	
	Answer	Partially
8.4.5.c	Does the Ministry in charge of National Security publish program specific rules?	
	Answer	Partially
8.4.6.a	Does the Ministry in charge of Development publish information of its organisational structure, including an organogram, the different agencies under its authority and the operational rules of each agency?	
	Answer	Partially
8.4.6.b	Does the Ministry in charge of Development publish detailed program information (program goals, activities, indicators)?	
	Answer	Yes
8.4.6.c	Does the Ministry in charge of Development publish program specific rules?	
	Answer	Yes
8.4.7.a	Does the Ministry in charge of Housing publish information of its organisational structure, including an organogram, the different agencies under its authority and the operational rules of each agency?	
	Answer	Partially
8.4.7.b	Does the Ministry in charge of Housing publish detailed program information (program goals, activities, indicators)?	
	Answer	Yes
8.4.7.c	Does the Ministry in charge of Housing publish program specific rules?	
	Answer	Partially
8.5	The legal framework requires national authorities in at least the sectors indicated above to publish the following administrative information: a list of responsible officers and key personnel for each agency, including the salary information for each post, and an itemised account public procurement processes.	
	Answer	Partially
8.5.1	Does the Ministry of Education proactively publish administrative information, including key personnel, salary information for each post and an itemised account of public procurement processes?	
	Answer	Yes
8.5.2	Does the Ministry of Health proactively publish administrative information, including key personnel, salary information for each post and a detailed account of public procurement processes?	
	Answer	Yes
8.5.3	Does the Ministry in charge of Social Services proactively publish administrative information, including key personnel, salary information for each post and an itemised account of public procurement processes?	
	Answer	Yes
8.5.4	Does the agency in charge of Human Rights defence and promotion proactively publish administrative information, including key personnel, salary information for each post and a detailed account of public procurement processes?	
	Answer	Yes
8.5.5	Does the Ministry in charge of National Security proactively publish administrative information, including key personnel, salary information for each post and an itemised account of public procurement processes?	
	Answer	Yes

8.5.6	Does the Ministry in charge of Development proactively publish administrative information, including key personnel, salary information for each post and a detailed account of public procurement processes?	Answer	Partially
8.5.7	Does the Ministry in charge of Housing proactively publish administrative information, including key personnel, salary information for each post and an itemised account of public procurement processes?	Answer	Yes
8.6	The legal framework requires national authorities in at least the sectors indicated above to publish the following program information: a comprehensive list of policy programs and actions, including information on geographic and demographic reach of public services provided; updated budget information for all programmatic activities; process and results indicators for programs being implemented, when these indicators exist; monitoring and evaluation reports for programs, when they exist; and an itemised account of public subsidies allocated.	Answer	Partially
8.6.1.a	Does the Ministry of Education publish a comprehensive list of policy programs and actions, with updated budget information for programmatic activities?	Answer	No
8.6.1.b	Does the Ministry of Education publish information on the geographic and demographic reach of public services provided, and an itemised account of public subsidies allocated?	Answer	Yes
8.6.1.c	Does the Ministry of Education publish monitoring and evaluation reports, including indicators for programs being implemented?	Answer	Partially
8.6.2.a	Does the Ministry of Health publish a comprehensive list of policy programs and actions, with updated budget information for programmatic activities?	Answer	No
8.6.2.b	Does the Ministry of Health publish information on the geographic and demographic reach of public services provided, and an itemised account of public subsidies allocated?	Answer	Yes
8.6.2.c	Does the Ministry of Health publish monitoring and evaluation reports, including indicators for programs being implemented?	Answer	Partially
8.6.3.a	Does the Ministry in charge of Social Services publish a comprehensive list of policy programs and actions, with updated budget information for programmatic activities?	Answer	No
8.6.3.b	Does the Ministry in charge of Social Services publish information on the geographic and demographic reach of public services provided, and an itemised account of public subsidies allocated?	Answer	Partially
8.6.3.c	Does the Ministry in charge of Social Services publish monitoring and evaluation reports, including indicators for programs being implemented?	Answer	Partially
8.6.4.a	Does the agency in charge of Human Rights defence and promotion publish a comprehensive list of policy programs and actions, with updated budget information for programmatic activities?	Answer	No

8.6.4.b	Does the agency in charge of Human Rights defence and promotion publish information on the geographic and demographic reach of public services provided, and an itemised account of public subsidies allocated (e.g. research, fellowships, etc.)?	Answer	Partially
8.6.4.c	Does the agency in charge of Human Rights defence and promotion publish monitoring and evaluation reports, including indicators for programs being implemented?	Answer	Partially
8.6.5.a	Does the Ministry in charge of National Security publish a comprehensive list of policy programs and actions, with updated budget information for programmatic activities?	Answer	No
8.6.5.b	Does the Ministry in charge of National Security publish information on the geographic and demographic reach of public services provided, and an itemised account of public subsidies allocated?	Answer	Partially
8.6.5.c	Does the Ministry in charge of National Security publish monitoring and evaluation reports, including indicators for programs being implemented?	Answer	Partially
8.6.6.a	Does the Ministry in charge of Development publish a comprehensive list of policy programs and actions, with updated budget information for programmatic activities?	Answer	Yes
8.6.6.b	Does the Ministry in charge of Development publish information on the geographic and demographic reach of public services provided, and an itemised account of public subsidies allocated?	Answer	Yes
8.6.6.c	Does the Ministry in charge of Development publish monitoring and evaluation reports, including indicators for programs being implemented?	Answer	Partially
8.6.7.a	Does the Ministry in charge of Housing publish a comprehensive list of policy programs and actions, with updated budget information for programmatic activities?	Answer	No
8.6.7.b	Does the Ministry in charge of Housing publish information on the geographic and demographic reach of public services provided, and an itemised account of public subsidies allocated?	Answer	Partially
8.6.7.c	Does the Ministry in charge of Housing publish monitoring and evaluation reports, including indicators for programs being implemented?	Answer	Partially
Accessibility and publicity of external audit reports – The Supreme Audit Institution should provide free and equal access to all its reports (OECD-Involve).			
9.1	The legal framework requires the Supreme Audit Institution (SAI) to publish all the documents and reports it produces, including but not only the global Audit Report with the annual attestation audit for the executive's Year- End Report.	Answer	No
9.1.1	Does the Supreme Audit Institution publish its annual Audit Report?	Answer	Yes

9.1.2	Is the annual audit report published in a timely manner, affording legislators information with sufficient time to consider report findings when negotiating appropriations, and specific budget allocations?	Answer	Yes
9.1.3	Does the SAI publish all other reports produced by its auditing or research bureaus?	Answer	Yes
9.1.4	In the last two years, have any reports produced by the SAI been withheld?	Answer	No
<p>Accessibility and publicity of the legislative process – Parliament should proactively publish its administrative and organisational information. Documentation relating to the scheduling of parliamentary business shall be provided to the public. Parliament shall provide public access to preparatory analysis and background information to encourage broad understanding of policy discussions about proposed legislation.</p>			
10.1	Parliament / the Legislative branch is required by law to publish organisational information, including information detailing the structure of authority in its administrative and legislative work, an organogram of the administrative offices working under parliament / congress, the structure of committees and the operational rules under which committee, legislative and administrative proceedings and processes are carried out.	Answer	Partially
10.1.1	Does Parliament / the Legislative branch publish information of its organisational structure, including an organogram and the administrative offices under its authority and committee structure?	Answer	Yes
10.1.2	Does Parliament / the Legislative branch publish the operational rules under which committee and legislative proceedings are carried out?	Answer	Partially
10.2	Parliament / the Legislative branch is required by law to publish detailed administrative information, including a list of responsible officers and key personnel in all offices working under parliament / congress; a detailed account of committee, research and support staff, including the salary information for each post; and an itemised account of its own procurement processes.	Answer	Partially
10.2.1	Does Parliament / the Legislative branch publish detailed administrative information, including key administrative personnel, committee chairs, committee, research and support staff, and salary information for each post?	Answer	Partially
10.2.2	Does Parliament / the Legislative branch publish an itemised account of procurement processes?	Answer	Partially
10.3	The legal framework mandates the publicity of the parliamentary business schedule and related information, including calendar, scheduled votes, the order of business and the schedule of committee hearings.	Answer	No
10.3.1	Is Parliament / the Legislative branch schedule public?	Answer	Yes
10.3.2	Does the published parliamentary schedule include information on issues to be voted, and order of business?	Answer	Yes
10.3.3	Does the published parliamentary schedule include information on committee hearings and order of business for committee-specific work?	Answer	No

10.4	The law mandates that all background information and preparatory analysis considered by legislators in their deliberation be made public.	Answer	No
10.4.1	Does Parliament / the Legislative branch publish preparatory analyses and background information considered in its legislative process?	Answer	Partially
10.4.2	Is the information considered in the legislative process made available before voting, to afford citizens and groups access to the information considered when passing legislation?	Answer	Yes
10.5	The legal framework requires Parliament / Legislative branch to publish detailed financial information of all its budget allocations and expenses.	Answer	Yes
10.5.1	Does Parliament / the Legislative branch publish detailed budget and expense information?	Answer	Partially
Accessibility and publicity of the justice procurement process - The judicial branch should proactively publish its organisational and administrative information, its judgments and related background information, a schedule of judicial hearings and detailed financial information of its budget allocations and expenses.			
11.1	The legal framework requires the Judicial branch to publish detailed organisational information, at least for the Higher Court, including an organogram of its administrative offices, the structure of its deliberation process, and the operational rules governing administrative processes and judicial deliberations.	Answer	Partially
11.1.1	Does the Judicial branch publish information of its organisational structure, at least for the Higher Court, including an organogram of its administrative offices, and composition?	Answer	Partially
11.1.2	Does the Judicial branch publish the operational rules under which judicial deliberations are carried out?	Answer	Yes
11.2	The legal framework requires the judicial branch, at least for the Higher Court, to publish detailed administrative information, including a list of responsible officers and key personnel in its administrative offices; a detailed account of administrative and support staff, including the salary information for each post; and a detailed account of the public procurement processes carried out by the judicial branch.	Answer	Partially
11.2.1	Does the Judicial branch publish detailed administrative information, including key personnel in its administrative offices, a detailed account of administrative and support staff and salary information for each post (at least for the Higher Court)?	Answer	No
11.2.2	Does the Judicial branch publish detailed information of procurement processes?	Answer	Yes
11.3	The legal framework requires the judicial branch to make its judgments and related background information (i.e. Amicus briefs and other public information considered in its deliberations) public.	Answer	No
11.3.1	Does the judicial branch publish preparatory analyses and background information considered in its rulings, at least those of the Higher Court?	Answer	No

11.4	The legal framework requires the Judicial branch to publish a schedule of judicial hearings, at least for the Higher Court.	
	Answer	No
11.4.1	Does the Higher Court of the Judicial branch publish a hearing schedule?	
	Answer	Yes
11.5	The legal framework requires the Judicial branch to publish detailed financial information of all its budget allocations and expenses.	
	Answer	Yes
11.5.1	Does the Judicial branch publish detailed budget and expense information?	
	Answer	Partially
Free of Charge – All information must be made public without charge (excluding reasonable charges on delivery) and without limits to reuse. (AIE)		
12.1	The Right to Information law or relevant legal frameworks consider clear rules for assessing fees to access information.	
	Answer	Yes
12.1.1	Filing all requests is free of any charge, and access fees are limited to the cost of reproduction of the information requested, and related delivery costs.	
	Answer	Yes
12.1.2	There are no limitations on or charges for reuse of information received from public bodies, except where a private third party holds a legally protected copy-right over the information.	
	Answer	Yes
Clear and Comprehensive – All support materials available to public officials involved in a decision-making process must be made available. Key data and analysis should be presented in a form that is accessible and comprehensible to citizens. There is a public, comprehensive listing of all information holdings. (TAI, SF, AIE)		
13.1	The Right to Information law or relevant legal frameworks require public authorities to create and update detailed lists of the information in their possession, and include all support materials in decision-making processes.	
	Answer	Partially
13.1.1	Do government agencies have a register of information in their possession?	
	Answer	Partially
13.1.2	Is the government's register of information updated at least on a yearly basis?	
	Answer	Yes
13.1.3	Does the register of public information in government agencies include support materials considered in decision-making processes?	
	Answer	No
13.1.4	What are the main problems faced by citizens accessing government registries, and background information?	
	Answer	The government's registry, the National Information Infrastructure (NII), is still in development and only contains a relatively amount of information (322 datasets). Therefore it is not a particularly useful or comprehensive tool. On other hand, the process of policy formulation around the NII is being conducted very openly and there are plenty of opportunities for citizens to participate and shape the development of the register.

13.2	The law explicitly requires public authorities in all branches and levels of government to make public information accessible and comprehensible to citizens.	
	Answer	No
13.2.1	Is the information proactively published by the government easily accessible?	
	Answer	Yes
13.2.2	Is the information proactively published by governments published in formats that facilitate its comprehension?	
	Answer	Yes
13.2.3	What challenges do citizens face making sense of or interpreting government information?	
	Answer	<p>The speed of the policy-making process impedes public understanding of key issues, according to Ruth Jackson a parliamentary and advocacy officer at Oxfam. She told Transparency International: Given that consultation periods are often shorter than 12 weeks, this doesn't leave much time to obtain the documents, understand [the documents], obtain information from people affected, and collate that information into a response."</p> <p>The accessibility of information to everyday citizens is limited by the technical language and policy jargon that many government documents contain.</p> <p>There is also risk that citizens can 'drown' in information. As an increasing amount of government information becomes available online, citizens need help understanding what the role and purpose of each document is, and how it relates to other documents and processes. Documents must be presented in a way that makes clear their purpose. Such information is often absent from the documents themselves as it will be common knowledge among the documents normal, professional audience of civil servants and public officials.</p>
Information should be delivered to those who request it electronically and in open format, and governments provide Application Programming Interfaces that allow third parties to automatically search, retrieve, or download information directly from databases online. (AIE)		
14.1	An ICT policy document or secondary government regulation requires that information stored electronically to be delivered in an open format.	
	Answer	Partially
14.1.1	In practice, can citizens access government information in open format?	
	Answer	Yes
14.2	An ICT policy document or secondary government regulation requires government agencies to provide API's to make online databases searchable.	
	Answer	Partially
14.2.1	Are there APIs in place enabling citizens to search online databases?	
	Answer	Yes
All data recently generated by the government and proactively published shall be open, and made available in a non-proprietary, searchable, sortable, platform-independent, machine-readable format, independently of other formats used. There is a mandate requiring all new data be created, collected and released in open format. (AIE, TAI, SF)		
15.1	An ICT policy document or secondary government regulation requires all government data and information proactively published be progressively updated to an open format, and published in a non proprietary, searchable, sortable, platform independent, machine readable format.	
	Answer	Yes
15.2	The regulatory framework requires that all new data be created, collected and released in open format.	
	Answer	No

15.3	The regulatory framework requires the publication of an action plan to update non-electronic data to open format.	
	Answer	No
15.3.1	Does the government have a plan in place to update its information to open format?	
	Answer	Yes
15.4	The regulatory framework establishes provisions for auditing government agencies' data management policies.	
	Answer	No
There is a central agency in charge of ICT policy implementation.		
16.1	The legal framework identifies a central agency responsible for the government's ICT policy implementation.	
	Answer	Partially
Open data commitments apply to all organisations operating with public funds or performing a public function, including private enterprise and civil society organisations. (TAI)		
17.1	The legal framework explicitly mandates that all open government policies and regulations apply to private organisations operating with public funds or performing a public function.	
	Answer	No
17.1.1	In practice, do private organisations operating with public funds follow the government's open data policy, and commitments?	
	Answer	No
There are government-wide policies on open data and the use of ICT, including e-procurement, complaints mechanisms and social accountability tools, developed through an inclusive process. (TAI)		
18.1	The regulatory framework governing information and communication technology is organised under a government-wide policy.	
	Answer	Partially
There are government-wide policies on open data and the use of ICT, including e-procurement, complaints mechanisms and social accountability tools, developed through an inclusive process. (TAI)		
18.2	The government wide ICT policy includes technologies to facilitate transparent procurement, e-procurement software and easily accessible complaints mechanisms related to procurement processes.	
	Answer	Yes
There are government-wide policies on open data and the use of ICT, including e-procurement, complaints mechanisms and social accountability tools, developed through an inclusive process. (TAI)		
18.3	The government wide ICT policy includes technologies to facilitate citizens raising complaints associated with the policy process or the quality of the public services.	
	Answer	Yes
18.3.1	In practice, are there communications technologies in place that allow citizens to easily file complaints?	
	Answer	Yes
18.3.2	Are complaints filed by citizens recorded and reported in any oversight report or government document?	
	Answer	No
18.3.3	Are the government actions resulting from complaints filed by citizens recorded and reported in any oversight report or government document?	
	Answer	No

18.4	The government wide ICT policy includes technologies to promote and facilitate social accountability.	Answer	Yes
18.4.1	In practice, are government websites actively used to promote social accountability mechanisms?	Answer	No
18.4.2	In practice, are there social accountability mechanisms enabled or facilitated by Information and Communications Technologies?	Answer	Yes
18.4.3	Does any oversight report or government document record the results of ICT facilitated social accountability.	Answer	No
18.5	The regulatory framework governing access to information creates a government-wide open data policy.	Answer	No
18.5.1	Is there an open data policy in place?	Answer	Yes
18.6	The legal framework requires that open data and ICT policies and guidelines be developed through a participatory process.	Answer	No
18.6.1	Have ICT and open data policies considered citizen participation?	Answer	Yes
18.6.2	Is there any record of citizen participation and its results over ICT policy?	Answer	Yes
Legal recognition of the right to participate - The right to participate in decision-making processes is recognised in the country's constitution and relevant laws. A legal framework exists that enables citizens to participate in public affairs.			
19.1	The right to participate in policy and decision making processes is explicitly acknowledged in the legal framework, which considers specific provisions to foment participation in monitoring the delivery of public services, in policy planning, policy evaluation and in accountability mechanisms.	Answer	No
Scope - The right to participate in decision-making processes includes the legislative and policy processes, different stages of the policy cycle and all relevant levels of government, including the local and service delivery level. Where it exists, the right to prior consultation is explicitly acknowledged.			
20.1	The legal framework establishes a general requirement mandating government agencies at the national, local and service delivery levels to consult with citizens and stakeholders in their decision-making processes.	Answer	Partially
20.2	Parliament / the Legislative branch is required by law to allow citizens and the public (corporations and civic organisations) to provide equal input to members regarding items under consideration, with sufficient notice and time incorporated in the legislative process to receive this input.	Answer	No
20.2.1	Is it common practice for citizens, corporations and civic organisations to participate in legislative processes, including committee hearings?	Answer	Partially
20.2.2	Does participation in legislative processes and committee hearings allow sufficient time for considering the information provided by citizens, corporations and civic organisations?	Answer	No

20.2.3	What are the challenges faced by citizens and civic organisations when making their voice heard in Parliament / the Legislative branch?	
	Answer	<p>Small civic organisations struggle to make their voices heard due to resource, time and network constraints, according to Nick Davies, public services manager at the National Council of Voluntary Organisation. He stated in writing to Transparency International: “Due to the limited capacity of smaller organisations, many lack the resources and expertise needed to engage with government consultations and select committee inquiries. For the most part, participation in the legislative process - particularly in terms of consultation responses and select committee evidence gathering - remains the preserve of larger organisations with personnel whose focus is the particular policy being explored. Furthermore, it is usually these same organisations that have well-developed links with the relevant government departments and civil servants through which these opportunities for feedback become known.”</p> <p>However, both small and large organisations report problems with engaging Select Committees and Ministers with their ideas. Ruth Jackson of Oxfam told Transparency International in writing: “We have found that when we campaign for change on policies which officials or ministers disagree with, they will ignore our requests to engage for some time, and will often only engage under duress because of the media coverage and public feeling we have created. For example, the DWP, DEFRA and other departments refused to acknowledge that food poverty was an issue in the UK (and sometimes still does) and refused to engage with Oxfam on the issue for at least 12 months, in which time there were numerous questions & debates in parliament, we produced 2 reports, and Frank Field MP set up an APPG to hold an inquiry into the issue. It was only the strength of feeling in the public that caused them to engage, and initially that was to shout at us in a private meeting, and then to invite us onto stakeholder engagement groups that the DWP runs. Despite sort of, sometimes hearing what we say, little has changed in terms of policy to date. We think they really only engaged because not engaging with us was proving to be a more dangerous approach than they had anticipated.”</p> <p>Campaign Against the Arms Trade, a reasonably small but well established civic group, has also struggled to engage government due its organisational position, despite its clear expertise, on arms issues, the organisation says. Ann Feltham, CAAT’s parliamentary coordinator, stated in writing: “The Committees on Arms Export Controls (CAEC), which has done excellent work in this Parliament, has used our written submissions when writing its reports. We are especially pleased it is now pro-actively seeking the Government’s list of priority markets for arms exports. At the beginning of the Parliament it appeared that the CAEC did not know of the existence of such a list and only became aware of it from CAAT’s submissions. However, CAEC has persistently declined to invite CAAT to give oral evidence, preferring to stick with Control Arms (Oxfam, Saferworld, Amnesty International) which it refers to as “the NGOs”. CAAT understands that its ambition for a total end to the arms trade is the reason for its exclusion. However, CAAT, which was established in 1974, does not expect the arms trade to end overnight, advocates interim steps and has considerable expertise on the issue. Indeed, it has sometimes been annoying to watch the Control Arms witnesses unable to answer a question, when CAAT staff know the answer. There are other groups, too, which might have had useful information to contribute which were not invited to give oral evidence. CAAT feels that the CAEC has missed out on alternative perspectives by CAAT’s exclusion, as Control Arms does not speak for all those working arms export issues.”</p>
20.3	Autonomous public agencies, including oversight institutions, are required by law to allow citizens and the public (corporations and civic organisations) to provide input regarding its policies, with sufficient notice and time incorporated in the decision-making process to receive this input.	
	Answer	No
20.3.1	Is it common practice for citizens, corporations and civic organisations to engage oversight institutions (e.g. Environmental or telecommunications regulatory agencies) and autonomous public agencies (e.g. ombudsoffices, access to information and electoral commissions), and provide input to their work?	
	Answer	Partially

20.3.2	Does citizen engagement of oversight institutions and autonomous public agencies take place with enough time to incorporate citizen input to decision making processes?
Answer	No
20.3.3	What problems and challenges do citizens and civic organisations confront when engaging autonomous public agencies, and oversight institutions?
Answer	<p>UK citizens have no explicit right to participate in public policy or the governance of institutions. As a result there are no rules governing how public agencies and oversight institutions should engage the public. There are also no reporting requirements on these same bodies to publish information on their engagement strategies. Guidance, where it exists, does not impose any legal or policy obligations on authorities.</p> <p>Citizens, when approaching institutions, have a weak hand to play. They cannot force discussion on an issue and they have no means to ensure that agencies will listen to them and incorporate their experiences or opinions into their approach. To be clear, agencies may still decide to actively engage and listen to citizens but they will do so at their own volition and on their own terms. In that sense, there is always an imbalance between citizen and agency, which undermines the deliberative space for participation.</p>
20.4	The legal framework establishes provisions for public participation in council meetings at the national, local and service delivery level.
Answer	Partially
20.4.1.a	Do citizens participate in council meetings at the local and service delivery level?
Answer	Yes
20.4.1.b	What are the challenges faced by citizens and organisations when engaging council meetings at the service delivery level?
Answer	<p>Attendance at council meetings is generally low, according to Nick Davies, public services manager at the National Council for Voluntary Organisations and Sonia Bussu, a researcher at Involve. The reasons for low attendance include but are not limited to: a lack of time to participate, a lack of knowledge about how government processes work and a lack of trust in traditional government institutions. The Department for Communities and Local Government has produced national guidance to assist citizens who struggle with these problems.</p> <p>Another challenge faced by citizens and organisations who attend meetings at local authority level is being able to access the decision making processes before key decisions are made. A common opinion among all those who participate in public life contacted by Transparency International is that the participation in government at all levels is often invited after key decisions have been taken.</p> <p>Sonia Bussu of Involve told Transparency International that one solution to some of these challenges might be the government use of social media. She stated in writing: "In recent years there have been pressures to use social media and webcasting during council meetings to allow online participation and increase public participation. Some councils, such as Hertfordshire and Kingston Upon-Thames, have been particularly effective at integrating social media in their work. The challenge (both off and online) is to move from One-Way communication (i.e. posting information with citizens as passive actors) to Two-Way communication whereby citizens are active participants."</p>
20.4.2.a	Do 'council meetings' exist in government agencies at the national level?
Answer	Yes
20.4.2.b	Do citizens and organisations regularly participate in council meetings at the national level?
Answer	No

20.4.2.c	What challenges do organisations and citizens face when trying to access national level council meeting and equivalent decision making spaces?		
	<table border="1"> <tr> <td data-bbox="256 259 528 1070">Answer</td> <td data-bbox="528 259 1401 1070"> <p>The accessibility of government advisory groups is often limited. It is not clear how the appointments process works or if there is an applications procedure. Moreover, the transparency of these groups is also limited, which raises concerns about which organisations have access to political influence and what they do with it. Environmental NGO Friends of the Earth (FoE) reported frustrations with this model. Naomi Luhde-Thompson, a FoE adviser, told Transparency International: "This Government since 2010 has favoured the set up of small advisory groups of hand selected participants, who meet in private and who fail to publish minutes etc to advice the Government on policy. This cuts out many participants and lends a spurious air of 'consultation' on policies which could affect millions of people."</p> <p>Advisory groups are frequently used effectively as tools to consult stakeholders but the lack of clear governance and transparency means citizens can be left unrepresented on important issues. One striking example of an influential yet seemingly unaccountable advisory group is David Cameron's Business Advisory Group. It is composed entirely of business leaders, who meet regularly with the Prime Minister, Deputy Prime Minister, Chancellor and Business Secretary to "help advise on critical business and economic issues facing the country". There is no indication of how these business leaders are appointed and on what specific issues they advise the government. The group includes the CEOs of Vodafone, Google and Dyson (as of 18 November 2014), all of which are reported to have used tax-avoidance schemes in the last two years. Tackling tax avoidance is a priority in government, political and civic spheres. The public interest in transparency of these meetings is justifiably strong, yet the government's webpage publishes no minutes or memoranda related to these regular meetings. This is a good example of how citizens face challenges of accessing decision making spaces and of understanding what decisions are taken behind closed doors.</p> </td> </tr> </table>	Answer	<p>The accessibility of government advisory groups is often limited. It is not clear how the appointments process works or if there is an applications procedure. Moreover, the transparency of these groups is also limited, which raises concerns about which organisations have access to political influence and what they do with it. Environmental NGO Friends of the Earth (FoE) reported frustrations with this model. Naomi Luhde-Thompson, a FoE adviser, told Transparency International: "This Government since 2010 has favoured the set up of small advisory groups of hand selected participants, who meet in private and who fail to publish minutes etc to advice the Government on policy. This cuts out many participants and lends a spurious air of 'consultation' on policies which could affect millions of people."</p> <p>Advisory groups are frequently used effectively as tools to consult stakeholders but the lack of clear governance and transparency means citizens can be left unrepresented on important issues. One striking example of an influential yet seemingly unaccountable advisory group is David Cameron's Business Advisory Group. It is composed entirely of business leaders, who meet regularly with the Prime Minister, Deputy Prime Minister, Chancellor and Business Secretary to "help advise on critical business and economic issues facing the country". There is no indication of how these business leaders are appointed and on what specific issues they advise the government. The group includes the CEOs of Vodafone, Google and Dyson (as of 18 November 2014), all of which are reported to have used tax-avoidance schemes in the last two years. Tackling tax avoidance is a priority in government, political and civic spheres. The public interest in transparency of these meetings is justifiably strong, yet the government's webpage publishes no minutes or memoranda related to these regular meetings. This is a good example of how citizens face challenges of accessing decision making spaces and of understanding what decisions are taken behind closed doors.</p>
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20.5	The legal framework mandates citizen participation in the budget process.		
	<table border="1"> <tr> <td data-bbox="256 1126 528 1182">Answer</td> <td data-bbox="528 1126 1401 1182">No</td> </tr> </table>	Answer	No
Answer	No		
20.5.1.a	Are there institutional mechanisms for citizen participation in budget formulation at the local / municipal level?		
	<table border="1"> <tr> <td data-bbox="256 1261 528 1317">Answer</td> <td data-bbox="528 1261 1401 1317">Partially</td> </tr> </table>	Answer	Partially
Answer	Partially		
20.5.1.b	Is it common practice for citizens to participate in budget formulation at the local / municipal level?		
	<table border="1"> <tr> <td data-bbox="256 1408 528 1464">Answer</td> <td data-bbox="528 1408 1401 1464">No</td> </tr> </table>	Answer	No
Answer	No		

20.5.1.c	What are the challenges faced by organisations and citizens who participate in budget formulation at the local / municipal level?
	<p data-bbox="344 273 600 300">Answer</p> <p data-bbox="606 273 1455 546">Fiscal austerity has produced two direct problems for organisations and citizens who participate in local government and service delivery budget formulation. There is no longer any central government coordination of participatory budgeting in the UK. In 2004, a government grant helped to set up a civic organisation called the Participatory Budgeting (PB) Unit, which provided resources and information on models and case studies of participatory budgeting in the UK. In 2012 the unit was closed after the government cut its funding. The closure of the unit has damaged the ability of citizens and organisations to learn about participatory budgeting and share best practice and learn from research in the UK and around the world.</p> <p data-bbox="606 573 1455 792">The PB Unit's closure came in a time of fiscal austerity, and the government's austerity policies have also undermined the public sector's enthusiasm for participatory budgeting schemes. Jez Hall, a coordinator of the PB Network who has 15 years experience in participatory budgeting, explained to Transparency International: "When money is tight, police officers are thinking about which of their mates they're going to throw off the burning raft, they're not really interested in community engagement, so in the past four years the austerity programme has really killed PB work dead in many ways, but not all ways".</p> <p data-bbox="606 819 1455 1061">Participatory budgeting is often perceived as risky, Jez Hall says, and during austerity public authorities become very risk averse. The biggest challenge, as Jez Hall sees it, is in engaging senior finance staff with citizens in a PB context. He told Transparency International: "The main challenge in PB is reaching the hard to reach, in this case, finance officers at the town hall who speak in arcane language and sit behind three levels of reception desks and only speak to other finance officers. PB at its best is about creating deliberative space between people with different knowledge. The main problem is a lack of that deliberative space in an institutional framework."</p> <p data-bbox="606 1088 1455 1169">Another challenge is budget literacy and the accessibility of budgeting information, which is often difficult to understand for citizens without financial backgrounds.</p>
20.5.2.a	Are there institutional mechanisms for citizen participation in budget formulation at the national level?
	Answer No
20.5.2.b	Is it common practice for citizens to participate in budget formulation at the national level?
	Answer No
20.5.2.c	What are the challenges faced by organisations and citizens who participate in budget formulation at the national level?
	Answer There are no institutional mechanisms for citizen participation in budget formulation at a national level. Citizens struggle therefore to have any systemic or sustained influence on how departmental budgets are allocated and instead must participate and campaign on specific issues.
20.5.3.a	Are there institutional mechanisms for citizen participation in budget discussion in parliament / the Legislative branch?
	Answer No
20.5.3.b	Is it common practice for citizens to participate in budget formulation in Parliament / the Legislative Branch?
	Answer No
20.5.3.c	What are the challenges faced by organisations and citizens who participate in budget discussions in parliament / the Legislative branch?
	Answer There are no institutional mechanisms for citizen participation in budget formulation in the parliamentary process. Citizens struggle therefore to have any systemic or sustained influence on how parliament approves the budget and instead must participate by working with Members of the House of Commons and House of Lords.

20.6	Where indigenous groups exist, the legal framework acknowledges the right to prior consultation, and lays out the mechanisms, procedures and timelines to consult groups affected by policy.	Answer	Yes
20.6.1	Are affected groups regularly consulted when policy projects affect communities and the environment?	Answer	Yes
20.6.2	Are there procedures in place to ensure project implementation respects the consultation of communities?	Answer	Yes
20.6.3	Are there clear redress mechanisms for compensating communities affected by policy and infrastructure projects?	Answer	Yes
20.6.4	What problems have communities faced when trying to ensure the right to prior consultation?	Answer	The UK does not recognise any indigenous groups. (green selected in line with guidance).
<p>Limited and Clear Exceptions - The procedures and means for participation in public affairs are clearly laid out, and when participation is limited in time, scope or demographic criteria, these limitations are duly justified, and made explicit in law and regulations.</p>			
21.1	A legal framework and /or policy directives exist that establish the mechanisms for participation in the different stages of the policy process, and all exceptions and limitations to participation are explicitly laid out.	Answer	No
21.2	A legal framework and / or policy directives exist requiring authorities to justify their decision to limit participation when that limitation is warranted.	Answer	No
<p>Institutional independence and protection of the right to participate in decision making processes – Citizens excluded from participation in decision-making processes have options available to challenge and contest that exclusion. When citizens face retribution for participating in public affairs, they have access to a public defender, oversight and accountability mechanisms for preventing retribution, and seeking redress.</p>			
22.1	The legal framework establishes a national ombudsman, public protector or equivalent agency (or collection of agencies), in charge of protecting the rights of citizens, including the right of citizens to participate in decision making processes.	Answer	No
22.1.1	In practice, is the right to participate in the policy process protected by an ombudsman or other independent agency?	Answer	No
22.1.2	Is the ombudsman or agency in charge of protecting rights free from political interference?	Answer	No
22.2	The legal framework provides citizens the right to sue their government for infringement of their rights.	Answer	Yes
22.3	The legal framework governing the policy process creates specific mechanisms for filing complaints related to citizen participation in the policy process.	Answer	Partially
22.3.1	Is it common practice for government agencies to receive complaints related to citizen participation in the policy process?	Answer	No

22.3.2	Does an oversight report or any other government document record complaints filed by citizens related to participation in the policy process?	
	Answer	No
22.3.3	What challenges do citizens and organisations face when raising complaints for not being able to participate in the policy process?	
	Answer	<p>When submitting a complaint about participation in the policy process, citizens will face the following challenges; getting a reply that addresses their concerns, getting a timely response and ultimately securing a binding decision from the independent arbitrator.</p> <p>Government departments' complaint systems are internally managed with no central standards or oversight, which can lead to low quality of response. For example, Friends of the Earth told Transparency International: "We have complained about changes to the Government policy on consultation which were made without consultation. We received a reply three months later which simply ignored our concerns."</p> <p>Ruth Jackson, a parliamentary and advocacy officer for Oxfam, echoed this and added that receiving a response of any kind often takes time. She told Transparency International that submitting a complaint felt like "putting something in a black hole at times". She said Oxfam did not submit complaints because "it's a lengthy process and it's unclear whether there is a requirement to respond, or respond in a constructive manner." The lack of clarity described by Jackson is probably a result of each department running its own complaints process with different rules and obligations.</p> <p>Where a complainant is still unsatisfied with a response s/he can usually complain to the Parliamentary and Health Service Ombudsman. However, as there are no clear standards on consultation (the government replaced a code of practice with a brief set of discretionary principles in 2013), ruling on consultation complaints is complex. Moreover, the ombudsman receives significant volumes of casework and processes complaints slowly. Finally, the Ombudsman's rulings are not binding on a public authority. The Ombudsman retains influence with public bodies and may not need legal powers to compel an authority to accept its remedy, but it's lack of power introduces a space for non or partial compliance. Statistics are not published on whether public bodies accept remedies in full.</p>
22.4	If there are indigenous groups in the country, or groups demanding prior consultation, the legal framework governing the policy process creates specific mechanisms for preventing policy action when prior consultation was not carried out.	
	Answer	Yes
22.4.1	Are communities with the right to prior consultation protected by a public office or authority?	
	Answer	No
22.4.2	Can the courts or any other authority stop a project underway when prior consultation has not taken place, or the affected communities challenge the consultation process?	
	Answer	Yes
22.4.3	Can the courts or any other authority repeal a project when the right to prior consultation is not heeded?	
	Answer	Yes

22.4.4	What challenges do community organisations face when trying to stop projects from implementation to ensure prior consultation takes place?
	<p data-bbox="277 271 528 300">Answer</p> <p data-bbox="544 271 1385 434">The most effective tool that citizens have to prevent the implementation of public projects for which prior consultation has not taken place is judicial review. In judicial review, a judge will review whether the correct legal administrative procedure has been followed by a public authority and, where relevant, whether adequate prior consultation was conducted, in line with the authority's statutory duties.</p> <p data-bbox="544 465 1385 651">But community organisations face at least three significant, interrelated challenges when bringing a judicial review. Firstly, judicial review applications must be filed quickly after a decision is announced. Judicial reviews can only be brought for three months after a government decision is taken. In practice this means organisations must begin to act "within days or weeks" of the decision, according to Rosa Curling, a solicitor at Leigh Day who works frequently on Judicial Review cases involving consultation disputes. It takes time to prepare a case.</p> <p data-bbox="544 683 1385 869">Secondly, claimant must consider the costs of bringing a judicial review, which are often "upwards of £30,000", according to Leigh Day. Some costs support is available; legal aid is sometimes available to a claimant and claimants can also apply for Protective Costs Orders in some instances, which protect the claimant from being found liable to pay the other side's costs in the event the claimant loses the challenge. Neither process is straightforward which underscores the need to act quickly in the first instance.</p> <p data-bbox="544 900 1385 1115">Thirdly, public awareness of judicial review is relatively low. Rosa Curling told Transparency International that she often talks to people who only learn after the event that judicial review would have been an option to challenge a decision. As citizens have no freestanding right to prior consultation, judicial reviews will focus on specific instances when authority did not meet its legal obligations to consult under a particular law, or when common law created an expectation of consultation. Many citizens will struggle to identify these instances, particularly in the narrow time frame they must work in.</p>
22.5	<p data-bbox="277 1137 1385 1216">The legal framework governing the policy process creates specific mechanisms for redress, when the right to participate in public affairs or the right to prior consultation is obstructed by governmental actions or omissions.</p> <p data-bbox="277 1247 528 1276">Answer</p> <p data-bbox="544 1247 1385 1285">Partially</p>
<p data-bbox="129 1305 1385 1384">Clear Procedures for participation in service delivery. Opportunities to participate directly in the provision of public services and monitoring public services exist, and they are easily accessible for different stakeholders, citizens, organisations and groups. The rules for participation are inclusive, detailed and explicitly stipulated in the legal and policy framework. (AIE).</p>	
23.1	<p data-bbox="277 1417 1385 1529">There is a specific regulatory framework that clearly lays out in a law or a group of laws varied means for public participation in the delivery of public services, including mechanisms to participate in the implementation of policy, mechanisms for joint private - public provision of public services and mechanisms for citizen and community monitoring of the public services provided.</p> <p data-bbox="277 1561 528 1590">Answer</p> <p data-bbox="544 1561 1385 1592">Yes</p>
23.2	<p data-bbox="277 1603 1385 1715">Public participation in the delivery of public services (through participation in the implementation of policy, mechanisms for joint private - public provision of services or citizen and community monitoring) is authorised in at least the following sectors: Health, Education, Environmental regulations, Social Inclusion, Agriculture, Police and Business regulation.</p> <p data-bbox="277 1747 528 1776">Answer</p> <p data-bbox="544 1747 1385 1778">Yes</p>
23..a	<p data-bbox="277 1798 1385 1854">Does the Ministry in charge of Social Inclusion and development functions and related agencies have mechanisms in place for citizen participation in policy formulation and implementation?</p> <p data-bbox="277 1886 528 1915">Answer</p> <p data-bbox="544 1886 1385 1912">Yes</p>
23..b	<p data-bbox="277 1933 1385 1989">Are there any instances of citizen and community monitoring of the services provided by joint public-private development ventures?</p> <p data-bbox="277 2020 528 2049">Answer</p> <p data-bbox="544 2020 1385 2047">No</p>

23..c	Are there any instances of citizen and community monitoring of the services provided by the Ministry in charge of Social Inclusion, and related agencies?	Answer	No
23..d	Does an oversight report or any other government document record the results of citizen and community monitoring of social inclusion and development programs?	Answer	No
23.2.1.a	Does the Ministry of Health and agencies under its coordination have mechanisms in place for citizen participation in policy formulation and implementation?	Answer	Yes
23.2.1.b	Are there any instances of citizen and community monitoring of the health care and services provided by joint public-private ventures?	Answer	Yes
23.2.1.c	Are there any instances of citizen and community monitoring of the services provided by the Ministry of Health, or decentralized public health services?	Answer	Yes
23.2.1.d	Does an oversight report or any other government document record the results of citizen and community monitoring of health services?	Answer	Yes
23.2.2.a	Does the Ministry of Education and the agencies under its coordination have mechanisms in place for citizen participation in policy formulation and implementation?	Answer	Yes
23.2.2.b	Are there any instances of citizen and community monitoring of the education services provided by joint public-private ventures?	Answer	Yes
23.2.2.c	Are there any instances of citizen and community monitoring of the services provided by the Ministry of Education or decentralized education bureaus?	Answer	Yes
23.2.2.d	Does an oversight report or any other government document record the results of citizen and community monitoring of education services?	Answer	No
23.2.3.a	Does the Ministry of Agriculture have mechanisms in place for citizen participation in policy formulation and implementation?	Answer	Yes
23.2.3.b	Are there any instances of citizen and community monitoring of joint public-private agricultural ventures?	Answer	No
23.2.3.c	Are there any instances of citizen and community monitoring of the programs and projects implemented by the Ministry of Agriculture, or its decentralized bureaus?	Answer	Yes
23.2.3.d	Does an oversight report or any other government document record the results of citizen and community monitoring of agricultural programs and projects?	Answer	No

23.2.4.a	Do the agencies tasked with environmental protection and regulation have mechanisms in place for citizen participation?
	Answer Yes
23.2.4.b	Do the agencies tasked with environmental protection and regulation have mechanisms in place to receive citizen complaints and requests for investigation?
	Answer Yes
23.2.4.c	Does an oversight report or any other government document record the results of citizen participation related to environmental protection?
	Answer No
23.2.5.a	Do the agencies tasked with Business and anti-trust regulation (e.g. Telecommunications Commission, the Competitions and Markets Authority) have mechanisms in place for citizen participation?
	Answer Yes
23.2.5.b	Do the agencies tasked with Business and anti-trust regulation (e.g. Telecommunications Commission, the Competitions and Markets Authority) have mechanisms in place to receive citizen complaints and requests for investigation?
	Answer Partially
23.2.5.c	Does an oversight report or any other government document record the results of citizen participation of business and anti-trust regulation?
	Answer No
23.2.6.a	Do police departments at the local and national level have mechanisms in place to reach out to communities, and promote citizen participation and community involvement in prevention strategies?
	Answer Partially
23.2.6.b	Do police departments at the local and national level have mechanisms in place to receive citizen complaints and requests for internal investigation?
	Answer Yes
23.2.6.c	Does an oversight report or any other government document record the results of citizen participation in crime prevention strategies and police monitoring activities?
	Answer No

23.2.7	What challenges and problems do organisations engaged in the provision of service delivery (including police and regulation) face?
	<p>Answer</p> <p>In general, the same challenges common to all forms of participation exist in the community monitoring of services. They are problems with time and resources of citizens to engage and of an inconsistency in practice across public bodies, which is partly a result of the lack of central laws or policies on how participation should work.</p> <p>Community groups that monitor the provision of services are frequently voluntary, and have a limited capacity to engage. As with other forms of participation, a big constraint is having the time and necessary expertise to effectively monitor services. There are examples of public bodies who recognise the important contribution that citizens can make to monitoring and improving service delivery, and sometimes this results in policy decisions and budget allocations to specifically promote community participation.</p> <p>For example, Greater Manchester Police has a participatory budgeting program with a budget of £150,000 to facilitate greater community involvement in the design of its services. And Healthwatch England is an England-wide service that facilitates community involvement in the monitoring of services and provides a broader structure for local monitoring to take place in. However examples of these sort are infrequent and there is no evidence that resource is generally invested to make community monitoring feasible and meaningful at scale.</p> <p>Another problem faced by those who wish to monitor service delivery is that there are no clear standards on how citizen input should be facilitated and the extent to which bodies should promote their engagement by making information accessible. This once again arises in inconsistencies across services. For example, the Financial Conduct Authority and Ofcom, the government communications regulator, have formally established consumer panels which produce annual reports and other publications about their work. However there is no similar representation at other important regulators like the Competition and Markets Authority.</p>
23.3	<p>The legal framework establishes rules for private participation in the delivery of public services, including criteria for selection, timelines, and mechanisms to gather information from interested citizens, groups, corporations and civic organisations.</p> <p>Answer</p> <p>Yes</p>
23.4	<p>The legal framework explicitly requires public authorities to issue reports and evaluations on citizen participation in public service delivery, including the type of participation underway, the groups and citizen involved, sector, geographic and demographic information of who participates and results.</p> <p>Answer</p> <p>No</p>
23.4.1	<p>Does the government produce any aggregate document or report accounting for citizen participation in public service delivery?</p> <p>Answer</p> <p>No</p>
23.4.2	<p>Do reports detailing citizen participation include specific information, including sector, geographic and demographic information, citizens, groups and communities involved?</p> <p>Answer</p> <p>No</p>
23.4.3	<p>Do reports detailing citizen participation include information of outcomes and results of the participation processes?</p> <p>Answer</p> <p>No</p>
<p>Clear mechanisms for consulting citizens and groups affected by policy -- Public bodies are proactive in their interaction with citizens and stakeholders affected by policy, the establish multiple channels to gather information and there are required to ensure all relevant stakeholders have voice, and an equal opportunity to participate.</p>	
24.1	<p>The legal framework requires public authorities to consult stakeholders, citizens and groups affected by the policies they formulate and implement, and specific mechanisms to gather information from these groups are laid out in law.</p> <p>Answer</p> <p>Partially</p>

24.1.1	Does the government consult groups, stakeholders and communities likely to be affected when considering new policies?	
	Answer	Yes
24.1.2	Are groups, stakeholders and communities affected by policy underway consulted about policy consequences and impact?	
	Answer	Yes
24.1.3	Is citizen participation common in policy consultation processes?	
	Answer	Yes
24.1.4	What challenges do citizens, communities, organisations and groups face when participating in policy consultations?	
	Answer	<p>The challenges citizens and organisations face when participating in consultations have been outlined elsewhere in this study already, since consultations are a common form of public participation in the UK (see for example 20.2.1-20.2.3 or 20.4.1)</p> <p>One of the biggest barriers to citizen participation in consultations is time. NGOs contacted by Transparency International reported that they frequently lacked enough time to meaningfully engage with consultations. There is recognition that time is a major barrier to participation within the Cabinet Office. A member of the Open Policy Making team told Transparency International: “The timescales on which policy makers are working can be a challenge [for citizens who participate] as processes can move quickly.”</p> <p>There is no standard minimum timeframe for public consultations. Until October 2013, the government operated a consultation code of practice which aimed to introduce standards of good practice around timing and practice. However, the Better Regulation Executive, within the Cabinet Office, drafted a shorter set of “Consultation Principles” which puts most of the significant decisions at the discretion of the department running the consultation.</p> <p>On timescales, the code of practice stated “Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.” But the new principles state that the length of consultations “might typically vary between two and 12 weeks. The timing and length of a consultation should be decided on a case-by-case basis; there is no set formula for establishing the right length.” This introduces more variation into consultation periods and appears to make a maximum time-limit out of what was formerly the minimum.</p> <p>The new guidelines are frustrating citizens and public interest groups who feel the process has become more unpredictable. For example, Ruth Jackson stated: “government consultations should be 12 weeks long to allow time to respond. Often, however, and it seems that the oversight on this is lacking, they are shorter than this, leaving little time to pull together the information across colleagues and partners.”</p>
24.2	When new policies are formulated, the legal framework considers specific rules governing the consultation of stakeholders, citizens and groups affected by policy; public access to preparatory analysis, support and background information is required, to afford the public a broad understanding of the policy discussions.	
	Answer	Partially
24.2.1	Do citizens, groups and stakeholders likely to be affected by policy under consideration have access to the background information and analysis supporting proposed policy?	
	Answer	No

24.2.2	What challenges do citizens, groups and stakeholders likely to be affected by policy have when engaging authorities to participate in policy formulation?	
	Answer	<p>The barriers to participation for in policy by stakeholders likely to be affected by policy include time and resources, the lack of participation rights, and the lack of knowledge of consultative process. These are consistent challenges across all forms of participation and are outlined elsewhere in this study (such as 20.3.1-20.3.3).</p> <p>One challenge facing all stakeholders, but which may be particularly important for those likely to be affected by proposed policy, is the point at which their participation occurs in the policy process. Do stakeholders have a chance to participate</p> <p>Jez Hall, a social entrepreneur and civic participation expert with 15 years experience, is critical of the timing of consultation processes and the way in which key decisions are often taken before public opinion is invited. He told Transparency International: "What typically happens in consultations is that you start with an internal conversation about what you want to do and work that up through detailed levels of internal planning. Then you present the outcome to the citizen and ask the citizen whether they think your clever idea is any good or not." This limits the opportunity to obtain feedback that can constructively shape the project.</p> <p>Another challenge is whether there is sufficient information available to stakeholders so that they can understand the potential impact of a policy. Government often publishes some supporting information, but this will often reinforce the government's own framing of the issue and fail to acknowledge wider concerns.</p> <p>At a local government level, mandatory public hearings are often held to invite feedback from affected stakeholders. However, Involve, a participation charity, is sceptical of the general usefulness of these hearings for the reasons above. Sonia Bussu, a researcher, stated in writing: "Mandatory hearings tend to come at the end of the decision process, too late to impact the decision meaningfully. Generally the information allowed in advance is not sufficient to provide the necessary context and thorough understanding. This contributes to explaining negative reactions of residents to these hearings as well as low attendance."</p>
24.3	As policies are implemented, the legal framework requires authorities to gather information on policy implementation and results directly consulting affected citizens, groups and stakeholders. The legal framework considers specific and diverse mechanisms for gathering this information.	
	Answer	Partially
24.3.1	Do the monitoring and evaluation mechanisms in place to assess policy outcomes and results consult affected citizens, groups and stakeholders?	
	Answer	Partially
24.4	The legal framework explicitly requires public authorities to provide a detailed justification on why and how citizen opinions have or have not been taken into account in policy and decision-making processes after consultation.	
	Answer	Partially
24.5	The legal framework explicitly requires public authorities to issue reports and evaluations on feedback, participants, public hearings, and submissions made by citizens, groups corporations and civic organisations participating in policy consultations.	
	Answer	Partially
24.5.1	Does the government produce any aggregate document or report accounting for citizen participation in policy consultations?	
	Answer	No
24.6	The legal framework explicitly requires public authorities ensure equal opportunity to participate by all affected groups and stakeholders in the consultation process.	
	Answer	Partially

Reasonable timelines – Participation processes are structured so as to ensure sufficient time to allow interested stakeholders to learn about, review the materials considered in the decision making process, and prepare quality and considered input. (AIE)		
25.1	The legal framework requires that public authorities adhere to timelines that allow participants in the provision and monitoring of public services to consider the information provided them, and submit their opinions with enough time.	
	Answer	No
25.1.1	Do citizens, organisations and groups who monitor the provision of public services have enough time to consider the information available to them and submit their opinions to authorities for consideration?	
	Answer	No
25.2	The legal framework requires that public authorities adhere to timelines that allow citizens, groups, corporations and civic organisations consulted by government sufficient time to consider the information they have been given and provide informed feedback.	
	Answer	No
25.2.1	Do citizens, groups, corporations and organisations who participate in consultation processes have sufficient time to consider the information available to them and provide informed feedback before action is taken by authorities?	
	Answer	No
Promotion – The right to participate in public affairs is actively promoted with funds, resources and outreach activities by government agencies in all levels of government; participation is promoted through the most appropriate mechanisms, including public announcements, local assemblies, via the internet, mailing lists, and through media outreach, encouraging everyone, and particularly key stakeholders, to engage. (AIE)		
26.1	The legal framework governing the policy process explicitly mandates the promotion of public participation in the delivery of public services, and in policy consultations.	
	Answer	No
26.1.1	Does the government allocate resources to encourage participation in different forms?	
	Answer	Yes
26.1.2	Are there any activities or campaigns underway to promote the right to participate in the policy process, monitor the delivery of public services or take part in policy consultations?	
	Answer	Yes
26.2	All government agencies are required to report annually on the actions they have taken to promote participation including basic geographic and socio-demographic information of participants. Reporting includes basic information on the results of participation.	
	Answer	No
Inclusiveness - mechanisms must be provided to ensure the participation of all stakeholders, including children and youth, differently abled, illiterate and vulnerable populations.		
27.1	Public officials are legally required to provide assistance to children and youth who wish to participate, as well as for citizens who face limitations arising from special needs, including disability, illiteracy and other conditions of vulnerability, like destitution and fear of retribution.	
	Answer	Partially
Effective oversight – Clear oversight functions over policy allocations and results are attributed to the legislative and an independent Supreme Audit Institution in all levels of government. (TAI)		
28.1	The legal framework enables Parliament or the Legislative with oversight functions over the executive's budget allocations and policy.	
	Answer	Yes

28.2	The legal framework establishes a Supreme Audit Institution that is independent of the Executive: its head is appointed by a body independent of the Executive, there are clear conditions for the removal of the SAI head, and the SAI can submit its own budget requests to the legislature.	
	Answer	Partially
28.2.1	Do branches other than the Executive participate in the appointment and removal of the Supreme Audit Institution?	
	Answer	Yes
28.2.2	Does the Supreme Audit Institution formulate its own budget?	
	Answer	Partially
28.2.3	Is the budget allotted to the Supreme Audit Institution sufficient to allow it to carry out its functions?	
	Answer	Yes
28.2.4	In practice, is the SAI free from political interference?	
	Answer	Yes
28.2.5	What other obstacles and challenges does the SAI face to act independently?	
	Answer	There are no clear and immediate challenges to the National Audit Office's independence, which is considered to be well established in law and in practice. However, the NAO does not total control over its budget and its independence could be buttressed by giving it more control in determining its budget.
Capacity of the SAI – The Supreme Audit Institution should have the capacity to sanction public officials, and the mandate to access information and appropriate resources to audit and report on the use of public funds, and the results of policy. The SAI should operate in an independent, accountable and transparent manner. (GIFT)		
29.1	The Supreme Audit Institution has a broad legal mandate to carry out its work. The legal framework authorises the SAI to obtain timely, unfettered, direct, and free access to all the necessary documents and information for the proper discharge of their statutory responsibilities. There are no time or scope constraints limiting the SAI's work, or audits.	
	Answer	Yes
29.1.1	Are there any time, scope or process limits imposed on the SAI auditing process?	
	Answer	Yes
29.1.2	Are there any legal or institutional constraints to the capacity of the SAI to obtain cooperation from audited government authorities?	
	Answer	No
29.2	The legal framework authorises the SAI to audit: the use of public monies, resources, or assets, by a recipient or beneficiary, regardless of its legal nature; the collection of revenues owed to the government or public entities; the legality and regularity of government or public entities accounts; the quality of financial management and reporting; and the economy, efficiency, and effectiveness of government or public entities operations.	
	Answer	Partially
29.2.1	Does the SAI assess the quality of financial management and reporting by all government and public entities?	
	Answer	Partially
29.2.2	Does the SAI carry out results and performance audits?	
	Answer	Yes
29.3	The legal framework explicitly considers follow-up mechanisms by external authorities on SAI recommendations.	
	Answer	No

29.3.1	Does the SAI follow up on its recommendations and findings?	
	Answer	Yes
29.4	The legal framework authorises the SAI to follow-up on its findings and issue sanctions.	
	Answer	No
29.4.1	Has the SAI issued sanctions to ensure compliance in the last two years?	
	Answer	No
29.4.2	Are these sanctions detailed in the agency's consolidated report?	
	Answer	No
29.4.3	What are the challenges faced by the SAI to follow through and sanction public officials?	
	Answer	The NAO has no legal powers to issue sanctions. This point was confirmed in writing by the NAO.
29.5	The legal framework establishes the SAI's can freely decide what to audit without direction or interference from the Legislative or the Executive. It should exercise this freedom in planning, programming, conduct, reporting, and follow-up of their audits; in the organisation and management of their office; and the enforcement of their decisions, where the application of sanctions is part of its mandate.	
	Answer	Yes
29.5.1	Does the SAI have unfettered authority to choose what it audits, and how?	
	Answer	Yes
29.5.2	Does the SAI have a yearly 'plan' or any other strategic plan detailing action and programmatic activities?	
	Answer	Yes
29.5.3	What are the challenges the SAI faces in determining what it does, and planning it out?	
	Answer	<p>Three forces are changing the way the National Audit Office (NAO) operates and present challenges which it must meet in the coming years. Firstly, the government's austerity policies mean the office's budget will suffer a small reduction in real terms. The NAO told Transparency International in writing: "The NAO is having to achieve more with less resource but is trying to do this by making better use of institutional knowledge, making greater use of technology and making sure audits are conducted as efficiently as possible."</p> <p>The second factor, also partly a consequence of austerity, is that public service delivery chains increasingly use private contractors, which the NAO is not authorised to audit. This creates accountability gaps and may increase the complexity of audits and investigations. For example, in a report on the four major government contractors who earned £4billion in revenues from the public sector in 2012-13, the NAO could only rely on the proactive disclosure of company information and had no legal audit powers over the bodies. The report states:</p> <p>"We are grateful for the help and cooperation provided by Atos, Capita, G4S and Serco in the preparation of this memorandum. Most of the information in this report is based on information the companies provided. Much of this would not otherwise be in the public domain. The contractors also helped us to understand their business and talked frankly about the risks, challenges and incentives they face. However, we do not directly audit these companies and have not been able to verify all the information provided against underlying evidence. We have therefore presented the information in good faith, and attempted to compare different evidence sources wherever possible."</p> <p>Finally, the NAO has new responsibilities under the Local Audit and Accountability Act 2014 and must develop expertise to ensure it can deliver. However the NAO sees this as useful step in the medium and long-term because it will "enable the NAO to build a more comprehensive view of the implementation of national policy through to delivery at local level."</p>

29.6	The supreme audit institution develops a yearly plan and it issues public reports of its work and findings each year.	
	Answer	Yes
Codes of conduct – Clear codes of conduct should exist that require public officials to keep a true and complete record of their actions. (AIE)		
30.1	A 'code of conduct' for public officials exists.	
	Answer	Yes
30.1.1	Are public officials familiarized with the code of conduct?	
	Answer	Yes
30.2	The legal framework incorporates regulations requiring an impartial, independent and fairly managed civil service, and it considers restrictions to nepotism, cronyism and patronage. All public officials are explicitly required to keep a true and complete record of their actions.	
	Answer	Partially
30.2.1	Is it common practice for public officials to keep a record of their actions?	
	Answer	Yes
30.2.2	Is there a code of conduct or any other document with written guidelines for identifying and regulating nepotism, cronyism and patronage?	
	Answer	Yes
30.2.3	Do internal and external audit reports or any other oversight document report sanctions for nepotism, patronage and cronyism?	
	Answer	No
30.2.4	What obstacles do citizens and organisations face when challenging nepotism, cronyism and patronage?	
	Answer	Citizens and organisations cannot access the body which has primary responsibility for overseeing the ethical conduct of the civil service. This makes it difficult to effectively raise complaints about nepotism, cronyism and patronage. Civil servants' activities are regulated under the Civil Service Code and Civil Service Management Code, which have statutory footing by virtue of the Constitutional Reform and Governance Act 2010. The codes require civil servants to act with honesty, impartiality, integrity and objectivity. Breaches of the code are investigated by the Civil Service Commission. However, non-civil servants cannot make complaints to the Civil Service Commission, which only hears complaints about code breaches from other civil servants. Citizens and organisations are advised to contact the department directly or consider the Parliamentary and Health Service Ombudsman. The Ombudsman hears complaints related to the provision of service and policy process in central government (and the NHS). However, it does not publish anything specifically on ethical conduct of civil servants and how it deals with nepotism, cronyism or patronage. Moreover, the Ombudsman rulings are advisory only and not binding on a public body.
30.3	The legal framework considers auditing mechanisms to determine when public officials do not keep a true and complete record of their action, as well as sanctions.	
	Answer	Yes
Conflict of interest and financial disclosure – All branches of government shall enact clearly defined rules to ensure disclosure of information necessary to protect against actual or perceived conflicts of interest and ethical violations. Systems should be created to ensure financial disclosure of public officials and their family members' assets. (WB-PAM, AIE and DPO)		
31.1	All elected officials, high level civil servants legislators and judges, as well as their family members, are required to file a financial disclosure form periodically, at least once a year.	
	Answer	Partially

31.1.1	Do all elected officials file financial disclosure form yearly?	
	Answer	No
31.1.2	Do high level civil servants file financial disclosure form yearly?	
	Answer	No
31.1.3	Do all legislators file financial disclosure form yearly?	
	Answer	No
31.1.4	Do all judges file financial disclosure form yearly?	
	Answer	No
31.1.5	Does an oversight report or any other government document record the aggregate information of financial disclosure forms filed?	
	Answer	No
31.2	The legal framework explicitly prohibits incompatible outside interests, and discusses specific conflict of interest provisions. ['Incompatible outside interest' is all interest derived from engaging in any activity or transaction or acquiring any position or function that is incompatible with or detracts from the proper performance of a public official's duties.]	
	Answer	Partially
31.2.1.a	Are public officials trained on conflict of interest provisions and regulations, at least once a year?	
	Answer	Partially
31.2.1.b	Are there any government wide or agency specific guidelines to identify and report conflict of interest?	
	Answer	No
31.2.2.a	Are legislators and legislative staff trained on conflict of interest provisions and regulations, at least once a year?	
	Answer	No
31.2.2.b	Are there any guidelines documents issued by Parliament / the Legislative branch to identify and report conflict of interest within Parliament?	
	Answer	No
31.2.3.a	Are judges trained on conflict of interest provisions and regulations, at least once a year?	
	Answer	No
31.2.3.b	Are there any guidelines documents issued by the Courts to identify and report conflict of interest?	
	Answer	No
31.3	All elected officials, high level civil servants, legislators and judges, and their family members, are required to file interest declarations.	
	Answer	Partially
31.3.1	Do elected officials file interest declarations?	
	Answer	Yes
31.3.2	Do high level civil servants file interest declarations?	
	Answer	Partially

31.3.3	Do all legislators file interest declarations?	Answer	Yes
31.3.4	Do all judges file interest declarations?	Answer	No
31.3.5	Does an oversight report or any other government document record the aggregate information of interest declarations filed?	Answer	No
31.4	The legal framework requires public authorities, including officials in government owned companies and private companies using public funds, recuse themselves from policy decisions where their personal interests may be affected.	Answer	Partially
31.4.1	Is it common practice for public officials to recuse themselves owing to conflicts of interest?	Answer	Yes

31.4.2	What are the obstacles to effective conflict of interest prevention in public service?	
	Answer	<p>Preventing conflicts of interest in public service is a challenge in the UK for several reasons. Some key features from an effective framework as missing. For example, no class of public servant needs to submit a financial disclosure form. Meanwhile, none of the bodies charged with overseeing conflicts of interest in public service have their work audited, which reduces confidence and assurance in their performance.</p> <p>Yet there are also problems with the system and rules which the UK does have. There are no central standards which are applicable to all public servants. Oversight is localised in bodies that monitor only a specific branch or sub branch of the state. These bodies typically have their own standards, powers and practices. This complex regulatory framework suffers gaps and inconsistencies.</p> <p>For example, all legislators are required to declare twelve categories of interest in a public register. Civil servants and judges, however, do not need to register their interests, even in private, but must declare them when a conflict arises. Civil servants must also recuse themselves from the situation, but Judges do not always need to, and are required to make the decision themselves by reviewing case law. So, in two of the three branches of state, there is no centrally held information on the outside interests of public servants, even at an internal level.</p> <p>Perhaps most significant gap allows legislators are allowed to take second jobs and hold directorships at companies. Statistics show that the 790 Lords in the House of Lords have over 900 directorships between them. In the Commons, the Independent reports that the Conservative MPs made £4.5 million from their second jobs in 2014, while Labour MPs take home just over £2 million. These legislators are forbidden from conducting paid advocacy on behalf of their employers in parliament, but they do not have to recuse themselves from debate in which they are conflicted. Parliamentary rules only require the legislators to declare their conflict before speaking.</p> <p>The means of dealing with breaches of conflicts of interest policies is localised too. MPs are monitored by the Parliamentary Commissioner for Standards who reports to the Committee on Standards, Lords are watched by the Lords Commissioner for Standards who reports, via a subcommittee, to the Committee for Privileges and Conduct. The Judicial Conduct Investigations Office investigates complaints about judicial conflicts of interest and the Civil Service Commission oversees the Civil Service.</p> <p>Each body has its own governance arrangements. The House of Commons and Lords are governed by their standing orders and resolutions, civil servants are subject to the Civil Service Code and Civil Service Management Code, which have statutory footing thanks to the Constitutional Reform and Governance Act, while the Guide to Judicial Conduct for England and Wales has no statutory footing. The terms under which complaints can be made differ. For example, the Civil Service Commission can only hear complaints made by civil servants, the Judicial Conduct Investigations Office can only investigate complaints that are made within three months of the events which the complaint relates to.</p>
31.5	The legal framework requires that all interest declaration forms filed by public officials and their family members be accessible to the public.	
	Answer	Partially
31.5.1	Are interest declarations public?	
	Answer	Partially
31.5.2	Has access to public versions of interest declarations been adjudicated by Parliament / the Legislative or the courts?	
	Answer	Partially
31.6	The legal framework requires that all financial disclosure forms filed by public officials and their family members be accessible to the public.	
	Answer	Partially

31.6.1	Are financial disclosure forms public?	
	Answer	No
31.6.2	Has access to public versions of financial disclosure forms been adjudicated by Parliament / the Legislative or the courts?	
	Answer	No
31.7	The legal framework authorises independent auditing of the financial disclosure forms of public authorities and their family members, and these audits are accessible to the public.	
	Answer	Partially
31.7.1	Are financial disclosure declarations audited, at least yearly?	
	Answer	No
31.7.2	Are financial disclosure declarations audits public?	
	Answer	No
31.8	The legal framework authorises independent auditing interest disclosure forms and sanction violations to conflict of interest regulations.	
	Answer	Partially
31.8.1	Are interest declarations audited, at least yearly?	
	Answer	No
31.8.2	Are interest declaration audits public?	
	Answer	No
31.9	The legal framework considers specific sanctions for violations to its conflict of interest and financial disclosure regulations, including fines, administrative and penal sanctions.	
	Answer	Partially
31.9.1	Are public officials and family members who do not submit interest and financial disclosure declarations sanctioned?	
	Answer	Yes
31.9.2	Does an oversight report or any other government document report sanctions for non compliance with interest and financial disclosure regulations.	
	Answer	No

31.9.3	What challenges does the comptroller or equivalent internal control agency face to sanction public officials for non compliance with financial disclosure and interest regulations?
	<p data-bbox="272 271 528 300">Answer</p> <p data-bbox="544 300 1383 412">The oversight of public officials is not overseen by a single body, which means that different standards are applied to different public officials. Moreover, the powers different bodies have are not consistent and, in all cases, oversight bodies do not have strong audit powers (such as powers to inspect documents).</p> <p data-bbox="544 434 1383 602">There is no single agency in charge of investigating and sanctioning public officials for violations of conflict of interest rules. The Committee on Standards oversees the House of Commons, the Committee on Privileges and Conduct oversees the House of Lords and the Civil Service Commission hears complaints from civil servants about breaches of the civil service code. The Civil Service Commission cannot issue sanctions.</p> <p data-bbox="544 624 1383 947">The two parliamentary committees can issue sanctions, however they are not responsible for conducting investigations. This responsibility is delegated to the Parliamentary Commissioner for Standards (Commons) and Lords Commissioner on Standards (Lords). However, both commissioners lack the powers to formally demand documents and summon witnesses, and rely on the cooperation of legislators, which is not guaranteed. For example, the PCS' 2014 investigation into Maria Miller, concluded she wrongly claimed £5,800. In its annual report that PCS stated: "Finally the Committee [on Standards] criticised the MP [Miller] for her attitude to my enquiries and failure to provide the information requested. The Committee noted that the system relies on MPs responding to the Commissioner's enquiries fully and frankly, rather than trying to argue a case in a legalistic way."</p>
31.10	The legal framework limits the gifts and hospitality that can be offered to public authorities in all three branches of government.
	<p data-bbox="272 1055 528 1084">Answer</p> <p data-bbox="544 1055 1399 1095">Partially</p>
31.10.1.a	Is there a register of gifts and hospitality received by elected officials and civil servants?
	<p data-bbox="272 1164 528 1193">Answer</p> <p data-bbox="544 1164 1399 1205">Yes</p>
31.10.1.b	Is the gifts and hospitality register of the Executive branch public?
	<p data-bbox="272 1274 528 1303">Answer</p> <p data-bbox="544 1274 1399 1314">Yes</p>
31.10.2.a	Is there a register of gifts and hospitality received by legislators?
	<p data-bbox="272 1384 528 1413">Answer</p> <p data-bbox="544 1384 1399 1424">Yes</p>
31.10.2.b	Is the gifts and hospitality register of legislators public?
	<p data-bbox="272 1494 528 1523">Answer</p> <p data-bbox="544 1494 1399 1534">Yes</p>
31.10.3.a	Is there a register of gifts and hospitality received by judges?
	<p data-bbox="272 1603 528 1632">Answer</p> <p data-bbox="544 1603 1399 1644">No</p>
31.10.3.b	Is the gifts and hospitality register of the Judiciary public?
	<p data-bbox="272 1713 528 1742">Answer</p> <p data-bbox="544 1713 1399 1753">No</p>
31.11	The legal framework explicitly forbids concurrent employment in any position while holding public office.
	<p data-bbox="272 1823 528 1852">Answer</p> <p data-bbox="544 1823 1399 1863">No</p>
31.11.1.a	Is an agency tasked with monitoring concurrent employment of public officials?
	<p data-bbox="272 1933 528 1962">Answer</p> <p data-bbox="544 1933 1399 1973">No</p>
31.11.1.b	Have there been any sanctions or administrative procedures begun to initiate administrative proceedings against public officials for concurrent employment?
	<p data-bbox="272 2042 528 2072">Answer</p> <p data-bbox="544 2042 1399 2060">No</p>

31.11.2.a	Is an office in Parliament tasked with monitoring concurrent employment of legislators, and legislative staff?	Answer	No
31.11.2.b	Have there been any sanctions or administrative procedures begun to initiate administrative proceedings against legislators and legislative staff for concurrent employment?	Answer	Yes
31.12	The legal framework prohibits the employment of public officials convicted of corruption for a certain amount of time after their indictment.	Answer	No
31.12.1	Are electoral authorities or any other agency tasked with carrying out employment checks for elected officials?	Answer	No
31.13	The legal framework creates restrictions for elected officials, high level civil service and legislators entering the private sector after leaving government.	Answer	No
<p>Transparency in lobbying – All branches of government shall enact rules regulating the interaction of public officials, civil servants, legislators and judges with lobbyists and pressure groups. Registration and reporting provision should be made explicit, and apply to contacts made by third parties with the executive, legislative and judiciary branches of power, and to private bodies performing public functions or exercising public authority. All registries and reports should be made public. (AIE)</p>			
32.1	The legal framework regulates the interaction of public officials in all branches of government with private interests (pressure groups, lobbyists and regulated industries).	Answer	No
32.2	The legal framework regulating the interaction of public officials and private interests explicitly requires that a registry of all meetings with private interests be kept and made public, and that basic information regarding the object of the meeting and information exchanged be kept and made public.	Answer	No
32.2.1	Is there a code of conduct or any other document with written guidelines for identifying and regulating lobbying disclosure and conduct obligations of public officials in their relation to third parties?	Answer	No
32.2.2	Is there an agency or bureau in charge of overseeing lobbying disclosure and conduct obligations?	Answer	Yes
32.2.3.a	Is there a registry of persons who can carry out lobbying activities that includes a unique identifier?	Answer	Partially
32.2.3.b	Is the registry of persons who can carry out lobbying activities public?	Answer	No
32.2.4.a	Does a registry of meetings, direct and indirect communications between public officials and private interests exist?	Answer	No
32.2.4.b	Is the registry of meetings, direct and indirect communication between public officials and private interests public?	Answer	No
32.2.4.c	Does the registry of meetings, direct and indirect communications between public officials and private interests record the object of the meeting/communications and information exchanged?	Answer	No

32.2.4.d	Does the registry of meetings, direct and indirect communications apply to staff in private bodies performing public functions?
	Answer No
32.2.5.a	Does a registry of meetings, direct and indirect communications between legislators and legislative staff with private interests exist?
	Answer No
32.2.5.b	Is the registry of meetings/communications of legislators and legislative staff with private interests public?
	Answer No
32.2.5.c	Does the registry of meetings/communications of legislators and legislative staff with private interests record the object of the meeting and information exchanged?
	Answer No
32.2.6.a	Does a registry of meetings, direct and indirect communications between judges and private interests exist?
	Answer No
32.2.6.b	Is the registry of meetings/communications between judges and private interests public?
	Answer No
32.2.6.c	Does the registry of meetings/communications between judges and private interests record the object of the meeting and information exchanged?
	Answer No

32.2.7	What are the main challenges faced by organisations monitoring lobbying activities?	
	Answer	<p>Organisations monitoring lobbying in the UK have a difficult job, which is not helped by poor legislation, a lack of proactive transparency and weak regulation of the revolving door. UK law was passed in 2014 to provide a statutory basis for the regulation of lobbying. The Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act (ToLNPTUAA) 2014 was the country's first ever law of its kind. Previously lobbyists were required to self regulate under professional codes and voluntary registers. Yet the new law is riddled with problems. Tamasin Cave, director of Spinwatch, an NGO which investigates the democratic impact of public relations, told Transparency International the law is "not fit for purpose" because its definitions of lobbyists and lobbying is so narrow.</p> <p>The ToLNPTUAA 2014 only applies to interactions between "consultant lobbyists" and ministers and permanent secretaries - a fraction of lobbying interactions. Before the law was passed the Association of Professional Political Consultants submitted evidence to the government which estimated that the law would catch only 1% of all lobbying interactions. Dr Liz David-Barrett, Director of the Centre for the Study of Corruption and Transparency at Oxford University has authored a detailed report on lobbying in the UK for Transparency International. Her report documents further problems with the legislation including the fact that when a lobbying interaction is covered by the law, consultant lobbyists are not required to disclose who their client is, or what they lobbied the permanent secretary or minister about. For organisations such as Spinwatch that monitor lobbying the law does is unhelpful in that; it only applies to a fraction of lobbying interactions, and it puts no significant disclosure obligations on to the consultant lobbyist-permanent secretary/minister interactions that it does apply to.</p> <p>Outside of legislative oversight, central government departments proactively disclose quarterly datasets on the meetings, gifts and hospitality of government ministers. However, it is frequently published in practice with significant time delays, contains limited detail and is not published in a reusable format. In February 2015 (the time of research) the latest available data published for the Treasury, the MoD, the FCO and the DWP is for January-March 2014. Moreover, the quality of data is limited and inconsistent across departments. The FCO data describes the purpose of each meeting between its ministers and outside interests. For example, Mark Simmons MP met Shell in January 2014 "To discuss Shell's interests in Angola and sub-Saharan Africa and AIG in March 2014 "To discuss opportunities in emerging African markets and High Level Prosperity Partnership". Although this is not a particularly high bar, many government departments do not meet even this standard of disclosure. The Treasury's data gives almost no useful information on the purpose of the meeting. For example in January 2014, George Osborne met Google "to discuss the technology sector", Santander "to discuss financial services" and the BBC for a "general discussion". Moreover the information (across government departments) is generally published in pdfs, which is not a reusable format. Such as it is, the proactive output on lobbying information is not very useful.</p> <p>Another challenge organisations who monitor lobbying face is keeping track of the 'revolving door', that is, the movement of civil servants from the public to the private sector and the work done by legislators for private companies. There are no laws in place regulating civil servants' activity after leaving government. The Advisory Council on Business Appointments can make recommendations on prohibited activities but it is not binding and can not issue sanctions for non-compliance. Moreover, MPs and Lords are permitted to hold paid non-executive directorships on company boards, and frequently do. The networks of influence between business and government as a result are very dense and difficult for the public to access or analyse.</p>
32.3	The legal framework regulating the interaction of public officials and private interests applies to private bodies performing public functions, or exercising public authority.	
	Answer	No
Protection of whistle-blowers – There are channels and mechanisms to promote and protect persons to reveal wrongdoing within governance frameworks. (AIE)		
33.1	The legal framework establishes an internal mechanism through which public officials and whistleblowers in the private sector employees can report corruption (i.e. Phone line, email address, local office).	
	Answer	No

33.1.1	Are there mechanisms in place so public officials and whistleblowers in the private sector can report corruption?		
	<table border="1"> <tr> <td data-bbox="256 259 528 309">Answer</td> <td data-bbox="528 259 1388 309">Partially</td> </tr> </table>	Answer	Partially
Answer	Partially		
33.1.2	Is there aggregate information of corruption complaints filed in an oversight report or other government document?		
	<table border="1"> <tr> <td data-bbox="256 387 528 443">Answer</td> <td data-bbox="528 387 1388 443">No</td> </tr> </table>	Answer	No
Answer	No		
33.1.3	What challenges do whistleblowers face to file corruption complaints and demand corruption investigations?		
	<table border="1"> <tr> <td data-bbox="256 499 528 875">Answer</td> <td data-bbox="528 499 1388 875"> <p>The challenges facing whistleblowers who report corruption complaints are not discernibly different from those who report complaints of another kind. s.1 of the Public Interest Disclosure Act (PIDA) 1998 affords protection, limited though it is, to any whistleblowers who make disclosures that reveal criminality and illegality of all kinds, as well as the health and safety of individuals and environmental damage.</p> <p>Yet UK whistleblowers do face challenges in reporting corruption complaints. The PIDA does not set out how whistleblowing policies ought to work, which means there are discrepancies in effectiveness and employee awareness of systems. Government, civic and independent reports have also identified the victimisation and intimidation of whistleblowers in their workplaces as a systemic problem. These issues are illustrated further in 33.2.2 and 33.3.2.</p> </td> </tr> </table>	Answer	<p>The challenges facing whistleblowers who report corruption complaints are not discernibly different from those who report complaints of another kind. s.1 of the Public Interest Disclosure Act (PIDA) 1998 affords protection, limited though it is, to any whistleblowers who make disclosures that reveal criminality and illegality of all kinds, as well as the health and safety of individuals and environmental damage.</p> <p>Yet UK whistleblowers do face challenges in reporting corruption complaints. The PIDA does not set out how whistleblowing policies ought to work, which means there are discrepancies in effectiveness and employee awareness of systems. Government, civic and independent reports have also identified the victimisation and intimidation of whistleblowers in their workplaces as a systemic problem. These issues are illustrated further in 33.2.2 and 33.3.2.</p>
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33.2	The legal framework explicitly considers mechanisms to protect public officials who report cases of corruption, graft, abuse of power, or abuse of resources.		
	<table border="1"> <tr> <td data-bbox="256 954 528 1003">Answer</td> <td data-bbox="528 954 1388 1003">Yes</td> </tr> </table>	Answer	Yes
Answer	Yes		
33.2.1	Are there mechanisms in place to protect government whistleblowers?		
	<table border="1"> <tr> <td data-bbox="256 1059 528 1108">Answer</td> <td data-bbox="528 1059 1388 1108">Yes</td> </tr> </table>	Answer	Yes
Answer	Yes		

33.2.2	What are the main problems and challenges faced by government whistleblowers?	
	Answer	<p>The challenges facing whistleblowers in the public sector include; tackling employer inaction of reporting a complaint, facing alienation and mistreatment at work, dealing with bullying and harassment from colleagues. These issues have been documented by whistleblowers themselves, government and the third sector sources. Finally, whistleblowers can no longer access legal aid for claims under the Public Interest Disclosure Act.</p> <p>Whistleblower Eileen Chubb was part of the ‘Bupa 7’ whistleblower group who brought the first case under the Public Interest Disclosure Act 1998. She has since founded a charity to provide advice and support to whistleblowers called Compassion in Care. Her organisation claims to have taken testimony from approximately 1,500 whistleblowers and distilled some common themes from them. These include: the lack of action taken by an employer when reporting a concern internally, the alienation or subtle mistreatment of a whistleblower by his/her employer after making a disclosure, and outright bullying and harassment in the workplace after blowing the whistle.</p> <p>The victimisation and harassment of public sector whistleblowers is also discussed as a problem in recent government reports. The Commons Public Accounts Committee, for example, stated in 2014: “[F]ar too often whistleblowers have been shockingly treated, and whistleblowers who have come forward have had to show remarkable bravery.” The committee observed that government has generally failed to implement whistleblowing policies. It stated: “Departments’ own attempts at changing whistleblowing policy and processes for the better have not been successful in modifying a bullying culture, or in combating unacceptable behaviour, such as harassment of whistleblowers, within their organisations.”</p> <p>Meanwhile, the Francis Review, which examined whistleblowing across the NHS after several scandals, found evidence that the NHS was not receptive to whistleblowing complaints and in some cases whistleblowers suffered after raising concerns. It states: “I have concluded that there is a culture within many parts of the NHS which deters staff from raising serious and sensitive concerns and which not infrequently has negative consequences for those brave enough to raise them.”</p> <p>Although the Public Interest Disclosure Act (PIDA) exists to protect whistleblowers who suffer harm as a result of making a disclosure in the public interest. However, legal aid is not available for cases brought under the PIDA, after the government reformed its provision of legal aid to exclude employment issues. This means that whistleblowers are required to fund their own legal costs at the Employment Tribunal. Yet the other parties to such cases are often government departments or large companies who have in-house legal teams and significant resources at their disposal. Legal fees, and the possibility of having to pay the other sides, can be a major obstacle in securing the protection the PIDA provides on paper.</p>
33.3	The legal framework explicitly establishes mechanisms to protect private sector employees and citizens who report cases of corruption, graft, abuse of power or abuse of resources.	
	Answer	Yes
33.3.1	Are there mechanisms in place to protect private sector whistleblowers?	
	Answer	Yes

33.3.2	What are the main problems and challenges faced by private sector whistleblowers?	
	Answer	<p>Private sector whistleblowers face similar challenges to their public sector counterparts. Both groups are protected in theory from suffering harm as a result of making a disclosure in the public interest by the Public Interest Disclosure Act (PIDA)1998. However legal aid is not available for cases brought under the PIDA, after the government reformed its provision of legal aid to exclude employment issues. This means that whistleblowers are required to fund their own legal costs at the Employment Tribunal. Yet the other parties to such cases are often government departments or large companies who have in-house legal teams and significant resources at their disposal. Legal fees, and the possibility of having to pay the other sides, can be a major obstacle in securing the protection the PIDA provides on paper.</p> <p>Government reports into whistleblowing have focus on practice in the public sector and there is comparatively little published about private sector practice in the UK. However, Eileen Chubb, a whistleblower and founder of Compassion in Care, a charity which supports whistleblowers, believes practice in the private sector is worse than the public. She said the common challenges facing whistleblowers, of employer inaction of reporting a complaint, facing alienation and mistreatment at work, dealing with bullying and harassment from colleagues, are all present in the private sector and often worse, because private companies operate in more confidential environments with less external institutional relationships and less accountability demands than the public sector.</p>
Sound procurement - All goods, works and services acquired by the government go through open tendering procedures adhering to the principles of competition, fairness, economy, efficiency, transparency and accountability in the use of public funds.		
34.1	The legal framework lays out the principles governing the procurement process, including competition, fairness, economy, efficiency, transparency and accountability in the use of public funds.	
	Answer	Yes
34.2	A legal framework governing procurement exists, and it considers the following provisions: wide advertising of bidding opportunities; maintenance of accurate records related to the procurement process; broad and timely predisclosure of all criteria for contract award; the award of contracts based on objective criteria to the lowest evaluated bidder; public bid opening rules; access to a bidder complaints review mechanism; and disclosure of the results of the procurement process.	
	Answer	Yes
34.2.1	Are accurate records related to the procurement process kept by contracting officers?	
	Answer	Partially
34.2.2a	Are bidding opportunities and procurement processes broadly advertised?	
	Answer	Yes
34.2.2.b	Is competitive bidding in major procurements common practice?	
	Answer	Yes
34.2.3.a	Is there an institutional mechanisms that monitors the assets, incomes and spending habits of public procurement officials?	
	Answer	No
34.2.3.b	Are the conflicts of interest regulations for public procurement officials enforced in practice?	
	Answer	No
34.2.4.a	In practice, can unsuccessful bidders initiate an official review of procurement decisions?	
	Answer	No
34.2.4.b	Is it common practice for unsuccessful bidders to challenge procurement decisions in a court of law?	
	Answer	No

34.2.5	In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.	
	Answer	Yes
34.2.6	Can citizens access the public procurement process?	
	Answer	Partially
34.2.7	Can citizen access the results of major public procurement bids?	
	Answer	Partially
34.2.8	What challenges does the effective regulation of procurement face?	
	Answer	<p>The effective regulation of procurement faces several challenges including; designing systems for effective contract management and performance reporting, ensuring the legal system for challenging decisions works properly and the dissolution of the Audit Commission.</p> <p>There is evidence that the management of contracts, after the procurement process is complete, is ineffective and leads to poor performance and low value for money. A high profile example of this is the G4S and Serco contracts which are being investigated by the Serious Fraud Office after a referral from the Ministry of Justice. The Ministry of Justice audited 15 contracts outsourced to G4S worth £4billion and discovered problems with “invoicing, delivery and performance reporting”.</p> <p>A procurement lawyer at a City law firm told Transparency International that while this can happen frequently, officials are disincentivised from raising concerns because it may cast the terms of the original decision, for which they are responsible, in a bad light. More stringent standards on performance reporting and contract management, agreed before services are procured, could deliver better value for money.</p> <p>The system in which suppliers can bring legal challenges against procurement decisions does not seem to be working effectively, which removes the some of the sector’s ability to self-regulate. Research shows that there are only 85 EU procurement cases with reported judgements in the UK for the period 2003-2013. Suppliers cite the cost of legal action as the greatest incentive against legal action, which means that suppliers of low-value contracts will typically not consider a legal challenge as means of redress. Other reasons for not bringing legal action include the perceived inadequacy of legal remedies and fear of reprisals.</p> <p>In 2012 the Audit Commission closed and its work will now be transferred to local, private providers in a decentralised system. One risk in this new system is that the UK will lose its some of its central perspective on procurement standards and practice across local government. The lawyer Transparency International spoke to said his firm thought there was a risk that the bidding process could lead to lower standards of audit. He stated: “We are very aware of the dynamic whereby cost may well be a driving factor to external suppliers in winning such audit work (both financial and legal auditing) leading to less-experienced, junior staff being used by providers to carry out such work.”</p>
34.3	The legal framework designates an agency responsible for overall procurement policy formulation and authorises it to exercise oversight regarding proper application of the procurement rules and regulations.	
	Answer	Yes
34.3.1	Is there an agency in charge of procurement oversight, specifically?	
	Answer	No
34.3.2	Does the agency in charge of procurement oversight aggregate information in a report?	
	Answer	No
34.3.3	Are the oversight reports related to procurement public?	
	Answer	No

34.3.4	What are the main challenges faced by the agency in charge of procurement oversight?	<p>Answer</p> <p>There is no single agency charged with robust oversight of procurement, which is a challenge in itself for the UK government. The Audit Commission, which oversaw local government expenditure, has been closed and local government bodies will now be audited by private sector providers. For national government, units within the Cabinet Office have some oversight-type functions although these are dispersed within the department. The Major Projects Authority reviews very large government procurement projects but does not assess medium and small projects. There is a limited amount of information about the Chief Procurement Officer's role in the Cabinet Office but it appears to be focused on achieving efficiencies and improving performance of contract negotiation. The Cabinet Office operates a Mystery Shopper programme by which suppliers can submit information on poor procurement practice and the Mystery Shopper unit then investigates to encourage informal, mutually satisfactory remedies for both parties. The dispersal of functions leads to a lack of central oversight. Moreover, none of these bodies are auditing bodies and do not have powers, like the National Audit Office would, to demand documents or summon witnesses, if such action became necessary.</p>
34.4	The legal framework distinguishes between the authorities responsible for implementing procurement, including preparation of bid documents and the decision on contract award, and the authority with oversight functions, responsible for the proper application of the procurement rules; and it considers specific sanctions when the rules, implementation or oversight are not properly carried out.	<p>Answer</p> <p>Yes</p>
34.4.1	Does the agency in charge of procurement oversight sanction public officials and companies guilty of major violations of procurement regulations?	<p>Answer</p> <p>No</p>
<p>Social accountability mechanisms - There are legal and institutional means to enable citizen participation in directly overseeing and auditing policy programs and results.</p>		
35.1	The legal framework creates mechanisms for expressing citizen complaints related to the provision of public services, the quality of attention received in dealing with authority, and the policy process broadly. It is easy to access complaints mechanisms, and there are a variety of ways to lodge a complaint (in writing, in person, by phone, through an electronic interface).	<p>Answer</p> <p>Partially</p>
35.1.1	Are mechanisms in place through which citizens can complain about the provision of public services, the quality of attention received, and policy actions, broadly?	<p>Answer</p> <p>Yes</p>
35.1.2	Does the government document complaints and aggregate complaints and resulting action in an oversight report or other document?	<p>Answer</p> <p>Yes</p>
35.1.3	What challenges do citizens, organisations and groups face when lodging complaints for government services and policy?	<p>Answer</p> <p>Citizens who complain about the provision of services must first complain directly to the government body providing the service and exhaust the internal complaints procedure before they have a right to lodge a complaint with an ombudsman (Parliamentary and Health Service or Local Government). Both ombudsmen deal with large volumes of casework, which means they cannot address complaints quickly. For citizens and organisations, there is therefore a long wait and two sets of administrative procedures to receive an independent review of a complaint. Moreover the Ombudsman does not have the legal powers to issue a binding remedy, its conclusions and recommendations are advisory.</p>
35.2	The legal framework explicitly establishes mechanisms authorizing citizen participation in formal oversight and accountability procedures, including audits, at the service delivery level.	<p>Answer</p> <p>No</p>

35.3	The legal framework explicitly authorises internal audit agencies and the Supreme Audit Institution to receive complaints and requests for audits from citizens and the public (including corporations and civic organisations)	
	Answer	No
35.3.1	Do internal audit units and the SAI receive complaints and requests to carry out specific audits from the public?	
	Answer	Yes
35.3.2	Do the oversight reports or any other document aggregate information on complaints received from the public?	
	Answer	No

GLOSSARY

BAG	Business Advisory Group
FOIA	Freedom of Information Act
ICO	Information Commissioner's Office
MoJ	Ministry of Justice
NAO	National Audit Office
NHS	National Health Service
NGOs	Non-governmental organisations
OGP	Open Government Partnership
OECD	Organisation for Economic Cooperation and Development
PIDA	Public Interest Disclosure Act 1998
UN	United Nations



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