

## MANAGEMENT BOARD

### Proactive publication: arrangements for Board papers

*Paper from the Head of the OCE*

#### Purpose

1. This paper sets out how the OCE proposes to implement the Board's decision to publish its agendas and papers proactively.

#### Action for the Board

2. The Board is invited to approve the proposed arrangements, in particular, does the Board agree:
  - that Board agendas and papers should be published on the internet and intranet at the same time as the minutes of the meeting to which they relate? (para 9)
  - that these arrangements, if agreed, should be trialled in respect of the January Board papers and go live from February? (para 9)
  - to the proposed approach to draft Commission papers (para 10) and Corporate Balanced Scorecards (para 11)?

#### Consultation

3. DG Resources (as SIRO) and the Head of IRIS were consulted on a draft, and this paper reflects their comments.

#### Background

4. The Board is committed in its Strategy for the House service to "having an open and transparent way of doing business". At its meeting on 22 September the Board agreed in principle to start proactive publication of certain administrative information, subject to the Commission's endorsement. In respect of its own papers, the Board agreed that:
  - All Management Board agendas and papers would be published on the intranet and internet (on the day of the meeting), apart from any paper or section where an FOI exemption applied.
  - It would be the responsibility of the person drafting a paper for the Board to identify any sections which would be subject to an FOI exemption.
5. The Commission, at its meeting on 22 November 2010, noted the Board's proposals in relation to publication of Board papers and agreed the new range of papers to be published, subject to consultation with

Members and affected staff on some specific issues (e.g. publication of senior staff salary information). The Commission is expected formally to agree the new publication scheme at its meeting on 24 January, although it has not formally been asked to approve the detailed mechanics of how and when the Board will release its own papers.

6. The OCE has issued revised guidance to the authors of Board papers, reminding them of the fact that papers may be published, subject to relevant FOI exemptions. A copy of the guidance is annexed to this paper for information.

### **Proposed arrangements for proactive publication**

#### *Timing of publication*

7. The Board's decision in principle to release agendas and papers on the day of the meeting to which they relate has several practical implications:
  - Board papers could be in the public domain before Board members have collectively discussed the issues addressed in those papers
  - Papers and agendas would be published separately from the minutes of the relevant meeting, meaning that proposals in the papers would be seen in isolation from the Board's consideration of them and decisions on them
  - Given that papers are usually circulated four or five working days before the relevant Board meeting, and sometimes later, there would be only limited time to prepare them for publication, including any editing to take account of FOI exemptions. There is a risk that we would miss the "day of meeting" deadline though technical problems, or that incorrect versions of papers could be published.
8. An alternative approach would be for agendas and papers to be published *after* the meeting to which they relate, together with the minutes of the meeting. Minutes are usually published about 10 days after the relevant meeting. This approach would have several benefits:
  - Releasing all the information at the same time would provide a fuller context for the decisions that had been taken, and thus be a more effective way of communicating what the Board is doing
  - It would allow time for staff representatives to be informed of the publication of papers in advance, where this was relevant (e.g. where they relate to HR issues) and for any necessary background briefing to be prepared
  - It would mean that there was only one publication event each month, which would make it easier to follow the Board's work and also be simpler for staff managing the publication process.

This approach would mean that papers would be published slightly later, but thus would be outweighed by the advantages listed above. It would be at variance with what the Commission has been told was the Board's intention, but as noted above, the Commission was not invited to agree this particular point. The Commission would be informed of any change in practice.

9. Some of the information withheld under FOI is likely to become less sensitive, and thus potentially disclosable, after a period of time. The OCE will put in place arrangements for reviewing such withheld information before members of the Board authorise its publication.
10. I suggest that the January Board is treated as a "dry run" for the new arrangements: OCE would check any exemptions to the FOIA proposed by paper authors, prepare a set for publication and check any technical issues with posting them on the internet, etc. This would allow us to identify and iron out any problems. OCE would report back to the Board's February meeting and, subject to the Board's agreement, would go live with effect from the February Board papers. (The disclosable minutes of the January Board will be published on the internet as usual.)
11. **Does the Board agree:**
  - **That agendas and papers should be published on the internet and intranet at the same time as the minutes of the meeting to which they relate?**
  - **That these arrangements, if agreed, should be trialled in respect of the January Board and go live from February?**

*Draft Commission papers*

12. The Commission has agreed not to routinely publish its own papers. Therefore, it is proposed that any draft Commission paper circulated to the Board (e.g. as an annex to a Board paper) would not be published under these arrangements. Board papers which canvassed advice that might be given to the Commission would of course be subjected to the usual FOI tests before any decision was taken to publish them – as will of course be the case with other Board papers.
  - **Does the Board endorse this approach to draft Commission papers?**

*Corporate balanced scorecards*

13. The Board agreed on 19 November 2009 that:

"its papers, including the balanced scorecard, should be withheld from publication under s.36 of the Freedom of Information Act for at least a year after their circulation".

This decision has in principle been superseded by the Board's decision proactively to publish its papers. However, the corporate Balanced Scorecards invariably contain sensitive information and are intended to ensure the Board receives frank updates on the organisation's performance and risk, and the Board may therefore wish to treat them separately. If we received an FOI request for a corporate BSC, we could not apply a s.36 exemption as a *blanket* measure. Instead, it would be possible for the Board to agree that BSCs will routinely be released a year after the meeting at which they were considered, thereby providing the cover of s. 22 FOIA (future publication) as a basis for refusing requests in the interim. The release of information in BSCs would still be subject to a review to consider whether any particular items should still not be disclosed at that point. The OCE will ensure that BSCs are referred to Board members for review at regular intervals, as part of the arrangements mentioned in paragraph 9 above.

- **Does the Board agree that Corporate Balanced Scorecards should be published a year after the meeting to which they relate, subject to review of whether any particular information should be withheld?**

Matthew Hamlyn  
Head, Office of the Chief Executive  
January 2011