

# Independent Reporting Mechanism (IRM): United Kingdom Design Report 2019-2021

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This report was prepared in collaboration with Rebecca Rumbul, mySociety

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## Executive Summary: United Kingdom

The United Kingdom (UK)'s fourth action plan largely continues the themes from previous plans, and includes commitments to open up data, participation and policy-making processes. Political uncertainty during the co-creation process due to the ongoing Brexit negotiations delayed finalisation of the action plan and limited the scope of the commitments. For the next action plan, the UK could consider ensuring timely responses to freedom of information requests, as well as public oversight of public procurement and contracts related to COVID-19 response and recovery.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. The UK joined OGP in 2011. Since, the UK has implemented three action plans. This report evaluates the design of the UK's fourth action plan.

### General overview of action plan

The UK continues to be a global leader in many open government areas, though the uncertainty around the UK's departure from the EU (Brexit) effected the scope and ambition of the fourth action plan. The commitments build on previous plans, and include new initiatives intended to open up data, participation and policy-making processes.

Civil society stakeholders engaged in the co-creation process through participation in the Open Government Network (OGN) and proposed commitments to the Cabinet Office and the Department for Culture, Media and Sport. However, political uncertainty and changes in government delayed the submission of the final action plan, which ultimately included only a few civil society proposals. Future processes could benefit from greater cross-departmental coordination within the government and the provision of specific feedback on how stakeholder proposals were considered.

Largely due to the reduced capacity of government officials and civil servants during the co-creation period, most of the commitments in the fourth action plan are somewhat limited in scope or simply continue from previous plans. However, some notable commitments include publishing more granular data on government contracts and in the Open Contracting Data Standard format (Commitment 4), and piloting "Area Democracy Forums" (citizen assemblies) in local authorities (Commitment 6).

#### Table 1. At a glance

Participating since: 2011  
Action plan under review: Fourth  
Report type: Design  
Number of commitments: 8

#### Action plan development

Is there a multistakeholder forum: No  
Level of public influence: Consult  
Acted contrary to OGP process: Yes

#### Action plan design

Commitments relevant to OGP values: 8 (100%)  
Transformative commitments: 0  
Potentially starred commitments: 0

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
<p><b>Commitment 4: Open contracting data</b></p> <p>Publish in open format a greater volume of contracts data so that all above-threshold public contracts can be tracked from planning to final spending.</p>	<p>In the context of the COVID-19 pandemic, the IRM recommends the UK government publish granular data in relation to supply chains and invest in more international partnerships to increase the transparency of end-to-end supply chains, including where beneficial ownership lies.</p>	<p>Note: this will be assessed at the end of the action plan cycle.</p>
<p><b>Commitment 6: Innovation in democracy programme</b></p> <p>Carry out pilot “Area Democracy Forums” in select local authorities to empower citizens to deliberate and impact local policy development and delivery.</p>	<p>During implementation, the IRM recommends embedding feedback mechanisms within the citizen assemblies to ensure participants receive detailed responses from local officials on how their input was considered. The IRM also recommends developing and utilising digital engagement platforms to continue innovation in citizen participation.</p>	<p>Note: this will be assessed at the end of the action plan cycle.</p>

## Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five KEY IRM Recommendations

Improve communication with civil society throughout the co-creation process and publish feedback to major civil society proposals received
Increase cross-ministerial direction and input to enable greater collaboration across departments during co-creation and standardise commitment language
Amend the Freedom of Information Act to ensure timely responses to information requests and extend its scope to cover private entities that provide public services
Consider including a commitment to ensure effective public oversight over contracts and public procurement related to COVID-19 response and recovery
Continue standardising information at the local level to improve access

## ABOUT THE IRM

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

**Rebecca Rumbul** collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. Rebecca Rumbul is Head of Research at mySociety.

**Disclaimer:** According to the UK's fourth action plan, the organisation mySociety will be involved in the implementation of Commitment 6 ("Innovation in democracy programme"). Because the IRM researcher is an employee of mySociety, and to avoid potential conflict of interest, IRM staff carried out the assessment of Commitment 6 in this Design Report.



## I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

The United Kingdom joined OGP in 2011. This report covers the development and design of the UK's fourth action plan for 2019-2021.

The Independent Reporting Mechanism of OGP has partnered with Rebecca Rumbul of mySociety to conduct this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

## II. Open Government Context in the United Kingdom

The UK has a long-standing involvement in OGP and has been a global leader in many open government areas such as transparency in the beneficial ownership of companies and in the extractive sector. The commitments in the fourth action plan build on those in previous cycles, and include new initiatives intended to open up data, participation and policy-making processes.

The UK joined OGP in 2011 as one of eight founding members. In addition to the national-level action plans, the devolved nations of the UK (Northern Ireland, Scotland and Wales) have adopted and implemented their own separate action plans. Scotland joined OGP's Local Program in 2016 and has since implemented two action plans.<sup>1</sup>

The change in government in the UK in 2019, and the UK's departure from the EU (Brexit) in January 2020, plus the COVID-19 pandemic and subsequent emergency budget, may affect further progress in this area.

### **Transparency and access to information (legal framework and practice)**

The UK's 2005 Freedom of Information (FOI) Act subjects a broad list of public bodies to the legislation and endows the Information Commissioner's Office (ICO) with regulatory power. However, this did not significantly improve proactive publication of information, and previous IRM reports noted that there is a lack of consistency both in the application of the Act and in collecting and publishing data concerning its operation. The UK currently scores 99/150 on the Global Right to Information (RTI) Index, placing it 42<sup>nd</sup> in the global ranking and demonstrating room for improvement in its RTI regime. This score highlights a specific weakness in the UK's FOI response around exception and refusal mechanisms within the FOI legislation, noting that even in instances of meaningful public interest, certain bodies are able to use exemptions to prevent the disclosure of documentation.<sup>2</sup> In its third action plan (2016-2018), the UK committed to improve in proactive publication of information, in particular on public sector finance, and to revise the Code of Practice (CoP) for public sector organisations issued under Section 45 of the FOI Act. This update to the CoP was issued in July 2018, but further commitments to improving the operation and enforcement of the FOI Act were not formally adopted in the UK's fourth action plan.

The ongoing COVID-19 pandemic has led to significant delays in responses to FOI requests in the UK.<sup>3</sup> A number of public bodies indicated that they would not prioritise responses to FOI requests during the lockdown period, and the ICO stated that it "will not be penalising public authorities for prioritising other areas or adapting their usual approach during this extraordinary period".<sup>4</sup> In July 2020, the ICO published guidance on delays, record-keeping, data breaches and post-crisis restoration.<sup>5</sup> However, as of 31 July 2020, UK public authorities may still delay their requests without penalty. This is in direct contradiction to the UK position on FOI, which states: "In fast moving situations, transparency should be at the heart of what the government does".<sup>6</sup> There is no timetable provided for the end of this temporary period of lenience in observing the FOI Act. In Scotland, a temporary increase in the number of days allowed to respond to an FOI request under Scottish FOI legislation (60 days, increased from 20) was removed on 27 May 2020.<sup>7</sup> A change in government in 2019 has also impacted the ability of government departments to proactively advance access to information activities,<sup>8</sup> but at this time, it is not possible to separate the effects of the change in government from those of the pandemic.

The UK's fourth action plan includes commitments on other aspects of transparency and access to information. Under Commitment 5, the UK plans to maintain its commitment to transparency around the extractive industries sector and implement the UK-transposed EU Directives for mandatory reporting by companies (a continuation of Commitment 2 from the third action plan). In addition, under Commitment 8, the Ministry of Housing, Communities and Local Government will develop policy proposals to help councils publish information as a matter of course, in order to drive further efficiency and innovation within local government.

### **Open data**

Many public bodies in the UK publish data in open data formats, and the Government Digital Service (established in April 2011) conducts significant digital transformation work, including opening up public data across government departments. This team also provides advice and guidance to public bodies on publishing using Open Document Formats and has produced technical and data standards for the use of APIs. The UK scores well on the Open Data Barometer, ranking in joint-first place with Canada with 76/100 points.<sup>9</sup>

The UK's third action plan (2016-2018) included several commitments on open data. Among others, they involved improving data on elections (Commitment 7), strengthening the open data infrastructure (Commitment 9), engaging data users (Commitment 10), and implementing goals from the Welsh Government's Open Data Plan (Commitment 1 - Wales).<sup>10</sup> Under Commitment 6, the UK increased the granularity of its published data on government grants by using the 360Giving Standard. This is continued in the fourth action plan under Commitment 1. In addition, Commitment 2 in the fourth action plan aims to develop a Digital Charter and National Data Strategy in an inclusive and participatory manner.

There have been several open data initiatives in the UK in response to the COVID-19 pandemic. For example, the independent UK-based organisation Global Health 50/50 has compiled a COVID-19 data tracker that includes country-level data related to cases, deaths, hospitalisations and cases among healthcare workers disaggregated by age and gender.<sup>11</sup> In Scotland, civil society has developed a COVID-19 Data Dashboard in connection to Scotland's 2018-2020 OGP action plan.<sup>12</sup> This dashboard uses data from daily updates from the Scottish Government and provides historical perspectives rather than day-to-day snapshots.

### **Civil liberties and civic space**

The protection of many civil liberties, including freedom of expression and assembly, falls under the 1998 Human Rights Act.<sup>13</sup> It imposes a duty on all public authorities to act compatibly with the rights covered in the European Convention of Human Rights (ECHR),<sup>14</sup> which the UK signed in 1951. The Act provides UK courts with the power to overturn decisions by UK public authorities that breach ECHR rights. However, the ultimate decision on legislation that has a negative impact on ECHR rights remains in the hands of Parliament. The departure of the UK from the EU has enabled the UK government to state that it no longer wishes to commit to formally applying the ECHR, although it intends to continue to 'support' the ECHR. It is as yet unknown what practical consequences this intended course of action will have.

Civil society in the UK is strong and diverse, but often underfunded and oversubscribed. It is also heavily centralised in the South East of the country around London, with a smaller operationally focused presence in the regions,<sup>15</sup> and with some small policy centres close to the devolved parliaments. Civil society groups conduct significant work with government departments and public bodies to make policy more inclusive, diverse and participative, and often act as partners in leveraging external opinion and expertise into the policy making. The UK has few legal levers to ensure citizen participation, but public bodies must observe the Consultation Principles<sup>16</sup> implemented in 2012, which require citizen engagement to be built in to the policy and legislative development process. The OECD ranks the UK in the top 5 of 40 countries studied in its 'stakeholder engagement for developing regulations' index, scoring 3.1/4.<sup>17</sup> However, consultation is only one lever of citizen engagement, and governance institutions have been uneven in their adoption of more sustained or in-depth participation activity.

The COVID-19 pandemic has catalysed a significant funding crisis in the sector, which could result in at least a small contraction in the sector during 2020-2021 and may in turn affect the ability of citizens to participate effectively without the organisations that facilitate that engagement.<sup>18</sup> The Charities Aid Foundation (CAF) has conducted research evidencing changes in giving behaviours, and increases in demand for civil society support.<sup>19</sup> The Government of Scotland held an online consultation to enable the public to submit and rate comments on the government's COVID-19 response.<sup>20</sup> Furthermore, under Commitment 6 in the fourth action plan, the UK plans to pilot "Area Democracy Forums" to empower citizens in local-level decision making.

### **Accountability and anticorruption**

The UK has multiple legal and organisational structures to address bribery and corruption, although the majority of these are focused towards private and criminal enterprise external to, rather than internal to, public bodies. The UK's legal instruments concerning bribery, fraud, embezzlement, political corruption and electoral fraud are robust, whereas legislation covering trading in influence, conflict of

interest, abuse of function and money laundering the proceeds of corruption are not as comprehensive. Transparency International UK has noted that there is no robust legal framework in the UK to counter nepotism and cronyism.<sup>21</sup> The Serious Fraud Office, HM Revenue and Customs, and the police are generally responsible for investigations. The Bribery Act 2010<sup>22</sup> is the primary piece of bribery and corruption legislation.

The Public Interest Disclosure Act 1998<sup>23</sup> (PIDA) provides protection for whistleblowers in the UK. Certain types of disclosure are excluded from protection. These include disclosures prohibited under the Official Secrets Act 1989 and those subject to legal professional privilege. Whistleblowing has also been protected under the 2019 EU Directive, however this may no longer apply in the UK as a result of Brexit.

Politically exposed persons and public servants must disclose their financial and organisational interests upon commencement of their role, and regularly throughout their tenure, and must adhere to agreed rules governing behaviour in public life.<sup>24</sup> These registers of interests are public and can be accessed online and through the FOI Act. There are parliamentary and civil service rules in place regulating the acceptance of gifts and hospitality, and standards organisations are able to investigate potential breaches.

The UK has led international efforts in improving transparency of governance in the finance and natural resources industries and encouraging progress in making beneficial ownership and contracting/procurement data open and transparent. The domestic bill to establish a register of beneficial ownership of overseas entities, included in previous UK action plans, remains in progress.<sup>25</sup> Improving the quality, timeliness and breadth of open contracting and procurement data in the UK is continued in the fourth action plan under Commitment 4. This commitment aims to improve the speed with which data is published in open formats and work with international partners to encourage similar progress in processing and publishing open contracting data.

### **Budget transparency**

The UK has a reasonably transparent national-level budgetary process, with documents published and available for scrutiny by the public and civil society. The International Budget Partnership (IBP)'s 2019 Open Budget Survey 2019<sup>26</sup> awards the UK a score of 70/100 on transparency, 61/100 on public participation (compared to averages of 48 and 14 points respectively), with an overall ranking of 19<sup>th</sup> out of the 117 countries. The UK, therefore, remains a comparatively good performer in the IBP ranking and the OECD average. However, the UK's budget transparency rating has fallen consistently over the past five years (from 74 in 2017, and 75 in 2015<sup>27</sup>), due to changes in how the budgets and documents are produced, which do not meet the Open Budget Survey criteria for a pre-budget statement.<sup>28</sup>

The UK is an ongoing supporter of financial transaction and governance transparency in regard to themes such as beneficial ownership, extractives industry financial transparency, unexplained wealth and open contracting data standards, and the Government Digital Service, Companies House and other public bodies and departments have conducted digital infrastructure work to link and publish key data, for example, through the Global Digital Market Place programme.<sup>29</sup> The UK has also worked with governments in several developing countries to address their procurement processes and integrate better digital standards to improve financial governance.

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<sup>1</sup> OGP, Scotland, United Kingdom, Action Plan 2, <https://www.opengovpartnership.org/members/scotland-united-kingdom/>

<sup>2</sup> Global Right to Information Rating, United Kingdom, <https://www.rti-rating.org/country-data/United%20Kingdom/>

<sup>3</sup> New Statesman, Freedom of information: how your right to know is being quietly removed, <https://www.newstatesman.com/media/2020/10/freedom-information-how-your-right-know-being-quietly-removed>

<sup>4</sup> UK Information Commissioner's Office, ICO Regulatory approach during coronavirus, <https://ico.org.uk/media/about-the-ico/policies-and-procedures/2617613/ico-regulatory-approach-during-coronavirus.pdf>

<sup>5</sup> *Ibid.*

<sup>6</sup> UK Government, Coronavirus (COVID-19): scientific evidence supporting the UK government response, <https://www.gov.uk/government/news/coronavirus-covid-19-scientific-evidence-supporting-the-uk-government-response>

<sup>7</sup> Scottish Government, COVID-19 Report 2020, <https://www.gov.scot/publications/coronavirus-scotland-no-2-act-2020-report-scottish-ministers-responses-requests-information-under-freedom-information-scotland-act-2002/>

<sup>8</sup> Open Democracy, Vast sums spent, no one knows why: COVID reveals why UK transparency law must change, <https://www.opendemocracy.net/en/dark-money-investigations/vast-sums-spent-no-one-knows-why-covid-reveals-why-uk-transparency-law-must-change/>

<sup>9</sup> Open Data Barometer, United Kingdom (2017), [https://opendatabarometer.org/country-detail/?\\_year=2017&indicator=ODB&detail=GBR](https://opendatabarometer.org/country-detail/?_year=2017&indicator=ODB&detail=GBR)



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- <sup>10</sup> OGP, IRM End of Term Report 2016-2018, [https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom\\_End-of-Term\\_Report\\_2016-2018.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom_End-of-Term_Report_2016-2018.pdf)
- <sup>11</sup> Global Health 5050, The Sex, Gender and Covid-19 Project, <https://globalhealth5050.org/covid19/#1586248980572-3839d9fe-3b88>
- <sup>12</sup> Covid-19 Scotland, [https://smazeri.shinyapps.io/Covid19\\_Scotland/](https://smazeri.shinyapps.io/Covid19_Scotland/)
- <sup>13</sup> UK Government Legislation, Human Rights Act 1998, <https://www.legislation.gov.uk/ukpga/1998/42/contents>
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- <sup>15</sup> NPC, Where Are England's Charities? Are They In The Right Places And What Can We Do If They Are Not? Dan Corry, <https://www.thinknpc.org/wp-content/uploads/2020/01/Where-are-englands-charities.pdf>
- <sup>16</sup> UK Government, Consultation Principles 2018, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691383/Consultation\\_Principles\\_1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1.pdf)
- <sup>17</sup> OECD Better Life Index, UK results, <http://www.oecdbetterlifeindex.org/topics/civic-engagement/>
- <sup>18</sup> Civil Society News, Charities face £10bn funding gap over the next six months due to Covid-19, <https://www.civilsociety.co.uk/news/charities-face-10-billion-funding-gap-over-the-next-six-months-due-to-covid-19.html>
- <sup>19</sup> Charities Aid Foundation (CAF), Covid-19: What it means for giving, <https://www.cafonline.org/about-us/research/coronavirus-and-charitable-giving>
- <sup>20</sup> Scottish Government, Coronavirus (COVID-19): framework for decision making, [https://www.ideas.gov.scot/covid-19-a-framework-for-decision-making/?sort\\_order=most\\_comments](https://www.ideas.gov.scot/covid-19-a-framework-for-decision-making/?sort_order=most_comments)
- <sup>21</sup> Transparency International UK, Corruption Laws: A Non-Lawyers' Guide to Laws and Offences in the UK Relating to Corruption Behaviour, <https://www.transparency.org.uk/publications/corruption-laws-non-lawyers-guide-laws-and-offences-uk-relating-corruption-behaviour>
- <sup>22</sup> UK Government Legislation, UK Bribery Act 2010, <https://www.legislation.gov.uk/ukpga/2010/23/contents>
- <sup>23</sup> UK Government Legislation, UK Public Interest Disclosure Act 1998, <https://www.legislation.gov.uk/ukpga/1998/23/contents>
- <sup>24</sup> UK Government, Guidance on 'The Seven Principles of Public Life', <https://www.gov.uk/government/publications/the-7-principles-of-public-life>
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- <sup>26</sup> Open Budget Survey, Open Budget Survey 2019: United Kingdom, <https://www.internationalbudget.org/open-budget-survey/country-results/2019/united-kingdom>
- <sup>27</sup> Ibid.
- <sup>28</sup> Ibid.
- <sup>29</sup> UK Government, Government Digital Service, The Global Digital Marketplace: Multi-Supplier Delivery and what we have learned so far, <https://gds.blog.gov.uk/2019/03/19/the-global-digital-marketplace-multi-supplier-delivery-and-what-weve-learned-so-far/>

### **III. Leadership and Multistakeholder Process**

Led by the Cabinet Office and the Department for Culture, Media and Sport, the development of the UK's fourth action plan saw engagement with multiple stakeholders across policy and regional areas. However, political uncertainty and changes in government impacted the development, scope and ambition of the plan, which ultimately included only a few civil society proposals.

#### **3.1 Leadership**

This subsection describes the OGP leadership and institutional context for OGP in the United Kingdom.

The Department for Digital, Culture, Media and Sport (DCMS) oversees the OGP process in the UK, including the coordination and implementation of the fourth action plan. Other departments are responsible for specific commitments in the action plan, and the Cabinet Office has also increased its oversight and involvement in the operation of the programme since the change of government in 2019. An announcement in July 2020 indicated that DCMS would fully transfer responsibility for the fourth action plan to the Cabinet Office, effective immediately.<sup>1</sup> Scotland joined OGP's pilot local programme in 2016 and has since submitted two action plans, separate from the UK's national action plans.<sup>2</sup>

The development of the UK's fourth action plan was conducted by a minority government (led by the Prime Minister at the time, Theresa May) and during a time of extreme political uncertainty. Significant changes have occurred during the fourth action plan period, including a change in government and leadership, and the UK's departure from the EU on 31 January 2020. In addition, the implementation of the action plan will take place during the ongoing COVID-19 pandemic, towards which much government capacity has been diverted. During the action plan's development, there was much turnover of civil servants within the UK civil service, with many redeployed to focus on the delivery of Brexit, and few confident that their roles would not be affected going forward.<sup>3</sup> This resulted in a lack of ownership of OGP commitments. These changes are ongoing, thus affecting the resources available for OGP activities. Neither the OGP action plan nor general improvement in open governance has been stated as a priority for the new government, but there has been a new focus on data-driven decision making and the use of big data to approach policy. Few financial resources have been allocated exclusively to perform the activities required in the action plan.

#### **3.2 Action plan co-creation process**

The process of co-creating the UK's fourth action plan included active participation from civil society at multiple levels and across regions and devolved administrations. The Open Government Network (OGN) comprised the coordinating body for consulting widely on the action plan and represented wider UK civil society within the multi-stakeholder consultations with government. The OGN draws membership from across the UK, including the devolved nations, and collated information from multiple sources to contribute to the process and development of the action plan. The OGN and its related regional groups in England, northern England, Scotland, Wales and Northern Ireland conducted a range of consultation events to enable a wide pool of civil society organisations (CSOs) to participate in discussions and contribute to the 2018 Civil Society Open Government Manifesto.<sup>4</sup> These events took place in the regions as well as in London and were open to any CSO to attend. Although there are no minutes available from these events,<sup>5</sup> they fed directly into the OGN's civil society manifesto published in June 2018.<sup>6</sup> According to the OGN, these OGN-led meetings did not see any participation from government or public sector representatives, even though invitations were extended to these bodies.

The OGN was able to discuss the priorities contained in the manifesto, as well as government-led suggestions for the 2019-2021 period with the government coordinators in the spirit of collaboration during the multi-stakeholder meetings.<sup>7</sup> Civil society acted as advocates for citizens, who were, in practice, not well consulted or invited to any meaningful opportunity to contribute to the process. The OGN used the Discuto platform to solicit ideas and responses from the public on developing the action plan. The OGN then collated the responses from this platform into themes and integrated them into the above-mentioned manifesto and into discussion points for the meetings with government. However, the government made the final decisions on the policy areas and activities to include in the final action plan without further consultations with civil society.

Ongoing political distraction and the absence of political leadership delayed the finalisation of the action plan. The government eventually launched the action plan one year later than originally scheduled, with civil society involvement ending approximately nine months before the plan was published.<sup>8</sup> While the OGN proactively communicated with the government outside of the stakeholder meetings, this was primarily to ask for updates on the publication of the action plan.<sup>9</sup> The government published the draft action plan in October 2018, and invited further comment via a Google Doc. The OGN called for input from CSOs to public consultation on this draft version.<sup>10</sup> However, the OGN also responded that the draft was not as ambitious as previous UK action plans.<sup>11</sup> Specifically, the OGN noted that the action plan omitted important stakeholder priorities, such as improving the quality, interpretation and regulation of the FOI Act. The OGN also noted that focus areas of previous UK action plans had not been brought forward into the fourth action plan, in particular concerning the quality of access to information.<sup>12</sup> Furthermore, the final action plan did not fully take into account CSO responses to the draft plan that recommended the commitments and milestones be more defined and measurable. OGN stakeholders generally found the commitments and milestones deliberately vague, which would allow the government significant room to deliver its own interpretation of the activities, which may differ from interpretations held by civil society. The government eventually launched the final action plan on 28 May 2019, on the eve of the OGP Global Summit in Ottawa,<sup>13</sup> with the OGN publishing an accompanying statement.<sup>14</sup>

The final action plan did reflect some priorities identified in the OGN's June 2018 manifesto, such as greater transparency of government grants data and increased publication of contracting data in the Open Contracting Data Standard (OCDS) format, even if the government did not take the full range of suggestions forward. The action plan also includes commitments that aim to strengthen public participation opportunities and involve citizens in decision making, above that seen in previous plans. These inclusions strongly reflected the wishes of many civil society stakeholders involved in the creation of the action plan and were generally agreed to have improved the quality of the plan and the opportunities for citizens to participate in the implementation.<sup>15</sup>

When developing future action plans, the IRM recommends reducing the length of time taken to conduct the development and publication process, and to provide financial support to organisations coordinating the CSO consultation process.<sup>16</sup> This would ensure that there is sufficient reach in consultation and that the resource burden of conducting comprehensive consultation does not negatively affect involved CSOs. Additionally, more comprehensive and structured feedback and commenting processes between government and CSOs during the drafting and finalisation of the action plan would help improve the quality of the plan and maintain momentum during implementation. More specifically, the IRM recommends that the government publish its reasoning behind the inclusion or exclusions of proposals received during co-creation, alongside the final action plan.

In addition, the IRM recommends that future co-creation processes involve more visible ministerial interest and participation, as well as stronger collaboration between implementing departments when writing and agreeing on commitments and milestones. The co-creation of the third action plan saw little interest at the ministerial level and little internal collaboration within government, as many civil servants redeployed their attention on the delivery of Brexit. For the next action plan, the creation of an internal, cross-departmental, OGP implementation group could benefit all civil servants involved in the co-creation process and create a more positive and focused environment for implementing individuals.

#### Table 4: Level of Public Influence

The IRM has adapted the International Association for Public Participation's (IAP2) "Spectrum of Participation" to apply to OGP.<sup>17</sup> This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

Level of public influence		During development of action plan
<b>Empower</b>	The government handed decision-making power to members of the public.	
<b>Collaborate</b>	There was iterative dialogue AND the public helped set the agenda.	
<b>Involve<sup>18</sup></b>	The government gave feedback on how public input were considered.	
<b>Consult</b>	The public could give inputs.	✓
<b>Inform</b>	The government provided the public with information on the action plan.	
<b>No Consultation</b>	No consultation	

### OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

The UK acted contrary to OGP process during the co-creation of the fourth action plan. This is because there is no evidence that the government published its reasoning behind the decisions around the inclusion of the final commitments in the fourth action plan, nor was a response provided concerning the items included in the OGN's 2018 manifesto that were not taken into the final action plan. Therefore, the government did not meet the "Involve" requirement on the IAP2 spectrum (see Table 4) during development of the action plan, as assessed by the IRM.<sup>19</sup>

The following table provides an overview of the UK's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

Multi-stakeholder Forum	Status
<b>Ia. Forum established:</b> The UK Open Government Civil Society Network is established and linked to the regional open government networks and the responsible government department (DCMS). DCMS and OGN jointly convened the first co-creation meeting on 11 May 2018.	Green
<b>Ib. Regularity:</b> The OGN and the government met at least once per quarter. Co-creation meetings were held on three occasions during the development of the fourth action plan, on 11 May 2018, 11 June 2018, and 22 October 2018.	Green
<b>Ic. Collaborative mandate development:</b> The remit, mandate and governance structure were agreed by all parties in the meeting, but the co-creation meetings were led by government.	Yellow
<b>Id. Mandate public:</b> Information on the OGN's remit and membership is available on the OGN website. <sup>20</sup> No information on the co-creation meetings' attendance, remit or mandate is available on the UK's OGP website.	Yellow

<b>2a. Multi-stakeholder:</b> The co-creation meetings for the fourth action plan included both governmental and nongovernment representatives. However, the OGN consists only of civil society representatives.	Red
2b. Parity: The co-creation meetings included an even balance of governmental and nongovernmental representatives. However, decision-making power rested primarily with the government.	Yellow
<b>2c. Transparent selection:</b> Nongovernmental members of the co-creation meetings were selected through the OGN in a fair and transparent process, with regard for inclusivity and diversity.	Green
2d. High-level government representation: The co-creation of the fourth action plan saw involvement of medium to high-level representatives (Director level) with some decision-making authority from DCMS, the OGP-responsible department within the UK <sup>21</sup> government, during the first meeting, with fewer high-level representatives at the second meeting.	Yellow
<b>3a. Openness:</b> The co-creation meetings accepted input and representation on the action plan process from a wide range of civil society and other stakeholders, including soliciting input from the devolved OGNs and from civil society groups not actively involved in an OGN.	Green
3b. Remote participation: There were no opportunities for remote participation in the main meetings and events, but there were related consultation events held around the country by the OGN.	Yellow
3c. Minutes: The OGN reported publicly on the multi-stakeholder forum concerning its conversations and activities, but there is no publicly available information from the government on the co-creation activities or meetings.	Yellow

Action Plan Development	
4a. Process transparency: There is a national OGP webpage on the government's GOV.UK website, where information on the fourth action plan and the commitments can be found. No further information on progress or activities related to OGP is provided or proactively published.	Yellow
4b. Documentation in advance: The government did not share information about OGP to stakeholders in advance to facilitate informed participation in the fourth action plan's co-creation process. However, the OGN consulted widely with stakeholders to collate views in preparation for the co-creation meetings that it organised.	Red
4c. Awareness-raising: The government did not conduct outreach or awareness-raising activities with relevant stakeholders to inform them of the OGP process, beyond consulting with the OGN. Many activities to raise awareness of OGP were conducted by the OGN.	Yellow
4d. Communication channels: The government did not facilitate direct communication with stakeholders to respond to questions during the development of the fourth action plan. The majority of external stakeholder involvement was handled via the OGN.	Yellow

<p><b>4e. Reasoned response:</b> There is no evidence that the government published its reasoning behind the decisions around the inclusion of the final commitments in the fourth action plan, nor was a response provided concerning the items included in the OGN manifesto that were not taken into the final action plan.</p>	<p>Red</p>
<p><b>5a. Repository:</b> The OGN maintains a website with documents and relevant information on the UK's involvement in OGP.<sup>22</sup> There are also relevant pages on the OGNs in the devolved nations.<sup>23</sup> DCMS does not maintain its own OGP website beyond publishing the action plan itself to its own webpage.</p>	<p>Yellow</p>

<sup>1</sup> UK Parliament, Machinery of Government, Statement made on 22 July 2020, <https://questions-statements.parliament.uk/written-statements/detail/2020-07-22/HCWS417>

<sup>2</sup> OGP, Scotland, United Kingdom, Action Plan 2, <https://www.opengovpartnership.org/members/scotland-united-kingdom/>

<sup>3</sup> Civil Service World (CSW), Brexit staff redeployments revealed as ministers prepare to trigger Operation Yellowhammer, <https://www.civilserviceworld.com/professions/article/brexit-staff-redeployments-revealed-as-ministers-prepare-to-trigger-operation-yellowhammer>

<sup>4</sup> UK Civil Society OG Network, IRM Research Submission, 4 August 2020.

<sup>5</sup> UK Open Government Network, Have Your Say Sheffield!, <https://www.opengovernment.org.uk/event/have-your-say-help-shape-the-uks-4th-open-government-action-plan/>

<sup>6</sup> UK OGN Manifesto 2018, <https://www.opengovernment.org.uk/resource/uk-ogn-manifesto-2018/>

<sup>7</sup> DCMS, How government and civil society is collaborating to drive openness, Gila Sacks, <https://www.opengovernment.org.uk/2018/05/11/how-government-and-civil-society-is-collaborating-to-drive-openness-gila-sacks/>

<sup>8</sup> UK Civil Society Open Government Network, joint response to IRM researcher email, 4 August 2020.

<sup>9</sup> See for example, UK Open Government, <https://www.opengovernment.org.uk/2019/02/12/press-release-brexit-delays-government-challenged-by-civil-society-groups-after-ministers-miss-deadline-to-outline-transparency-commitments/>

<sup>10</sup> NCVO, An Action Plan for a More Open UK Government, <https://blogs.ncvo.org.uk/2018/09/18/an-action-plan-for-a-more-open-uk-government/>

<sup>11</sup> UK Civil Society OG Network, Response to Draft NAP 4 October 2018, <https://www.opengovernment.org.uk/resource/uk-ogn-response-to-public-consultation-on-draft-open-government-action-plan-2018-20/>

<sup>12</sup> UK Civil Society OG Network, Response to Draft NAP, 4 October 2018.

<sup>13</sup> UK Government, UK National Action Plan for Open Government 2019-2021, <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2019-2021>

<sup>14</sup> The Action Plan has been published – what's next? <https://www.opengovernment.org.uk/2019/06/20/the-action-plan-has-been-published-whats-next/>

<sup>15</sup> UK Civil Society Open Government Network, joint response to IRM researcher email, 4 August 2020.

<sup>16</sup> Shaben Begum, Convention of Scottish Local Authorities.

<sup>17</sup> IAP2, IAP2's Public Participation Spectrum, [https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum\\_8.5x11\\_Print.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf)

<sup>18</sup> OGP's Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, the United Kingdom **acted contrary** to OGP process during the development of the 2019-2021 action plan.

<sup>19</sup> See IRM Guidance on minimum threshold for involve, <https://www.opengovpartnership.org/wp-content/uploads/2020/02/IRM-Guidance-Involve.pdf>

<sup>20</sup> UK OGN, Resources, <https://www.opengovernment.org.uk/resources/>

<sup>21</sup> DCMS, How government and civil society is collaborating to drive openness, <https://www.opengovernment.org.uk/2018/05/11/how-government-and-civil-society-is-collaborating-to-drive-openness-gila-sacks/>

<sup>22</sup> UK Open Government, <https://www.opengovernment.org.uk/>

<sup>23</sup> UK OGN, <https://www.opengovernment.org.uk/networks/>



## IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.<sup>1</sup> Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.<sup>2</sup> A summary of key indicators the IRM assesses can be found in the Annex of this report.

### General Overview of the Commitments

The commitments in the UK's fourth action plan focus mainly on improving information disclosure practices. Specific areas covered include government grants (Commitment 1), government contracts (Commitment 4), natural resources governance (Commitment 5), and information held by local authorities (Commitment 8). Other commitments focus on opening up policy making to the public and civil society, such as digital policy (Commitment 2), open policy making (Commitment 3), and citizen assemblies in local authorities (Commitment 6). Several commitments continue from previous UK action plans, such as those regarding grants data and natural resource governance.

The action plan includes several areas flagged for priority by the civil society Open Government Network (OGN), such as improving the transparency of financial and procurement information, and much of the work planned was intended to be carried out in collaboration with relevant CSOs.<sup>3</sup> However, many activities included in the final commitments are vague, thus making it difficult to assess their level of ambition. Furthermore, the action plan omitted some significant priority areas for civil society, such as increased proactive information publication, in particular concerning the transparency of information relating to the UK's departure from the EU, and the development of more comprehensive registers of interest and influence in policy-making circles.

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<sup>1</sup> OGP, Open Government Partnership: Articles of Governance, <https://www.opengovpartnership.org/articles-of-governance/>

<sup>2</sup> OGP, IRM Procedures Manual, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

<sup>3</sup> UK Open Government Network, UK OGN Manifesto 2018, <https://www.opengovernment.org.uk/resource/uk-ogn-manifesto-2018/>

## I. Grants Data

### Main Objective

“Working with users across government, the Cabinet Office Grants Efficiency Function will increase the transparency of government grant funding for the 2018/19 and 2019/20 financial years.

The Cabinet Office Grants Efficiency Function will continue to assist departments in ensuring that grant making across government is efficient and that funding is being used effectively.

DCMS will host a Ministerial event bringing together key sector partners to discuss how to collectively improve data infrastructure and open data publication to support the third sector.”

### Milestones

1. Publish more granular and even better quality 17/18 financial year data, to 360Giving Standard in the Autumn of 2018.
2. DCMS Ministerial event with key sector partners - to discuss how to collectively improve data infrastructure, open data publication to support the third sector and ensure that the data is effectively used.
3. The 18/19 financial year granular data, in line with the 360Giving Standard will be published in the Autumn of 2019.
4. DCMS and its Arm's-length bodies will ensure all relevant grants data is uploaded on the Government Grants Information System at awards level including third party data from onward grantees, in line with 360Giving.

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom's action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Minor

### Commitment Analysis

This commitment aims to make a greater amount of government grants data accessible in a format that enables greater research and scrutiny. It continues from Commitment 6 from the UK's third action plan (2016-2018), which saw the development of the Government Grants Information System (GGIS)<sup>1</sup> database and the publication of more granular grants data than was previously available. However, by the end of the third action plan period, only two out of 17 central departments published their grants data in line with the 360Giving Standard format (first adopted in 2015).<sup>2</sup> The commitment in the current action plan, therefore, aims to publish all remaining grant data from the other 15 central departments in the 360Giving Standard.<sup>3</sup>

The activities of this commitment include publishing grants data for individual financial years in line with the 360Giving Standard, conducting a ministerial event to discuss how to improve the government's grant data infrastructure, and uploading all relevant grants data to the GGIS. The commitment is relevant to the OGP value of access to information due to the focus on further disclosing granular data on government grants. It is also relevant to the OGP value of civic participation due to the planned ministerial event where the Department for Digital, Culture, Media and Sport (DCMS) will discuss how to collectively improve data infrastructure with “sector partners”, though the details of this event are not provided in the action plan.



Financial information on government grants represents a significant volume of data that, if published openly and completely, could contribute to greater deliberation, research and accountability. Better access to this data could in turn help civil society to better scrutinise government grantmaking practices and performances. However, the first milestone, to publish 2017/2018 financial year data in the 360Giving Standard was scheduled to be completed in autumn 2018, before the official start of the action plan. The publication of data for the 2018/2019 financial year will continue the existing practice and not go beyond what has been published in previous years in terms of the parameters of data. In addition, the government can still apply broad exemptions, primarily concerning commercial sensitivities, to withhold publication. The wording of the commitment includes references to increasing efficiency and effectiveness in government grantmaking, but these issues are not addressed in the milestones.<sup>4</sup> Therefore, it is difficult to assess the potential impact as higher than minor.

In terms of next steps, the IRM recommends the government conduct ongoing dialogues with civil society to consider how grants data can be best used to improve efficiency and effectiveness. The IRM also recommends that the government decrease the extent and breadth of the use of exemptions to withhold grants data and provide more clarity in the reasons for opting for exemptions in each case.

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<sup>1</sup> Government Grants Hub, <https://grantshub.civilservice.gov.uk/DataSolutionLogin>

<sup>2</sup> OGP, UK End of Term Report 2016-2018, p 25, [https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom\\_End-of-Term\\_Report\\_2016-2018.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom_End-of-Term_Report_2016-2018.pdf)

<sup>3</sup> 360Standard, A standard for sharing grants data, <http://standard.threesixtygiving.org/en/latest/>

<sup>4</sup> Tania Cohen, 360Giving, interview 17 July 2020.

## 2. Public participation

### Main Objective

“To work with Civil Society, including through the Open Government Network, to develop the Digital Charter incorporating the views and concerns of the citizens. We will ensure to include under-represented groups in the process.

We will leverage the peer network of the Open Government Partnership to build international dialogue in support of the aims of the Charter.

We will ensure that principles of openness and citizen participation are at the core of the operation of the new Centre for Data Ethics and Innovation, which will advise the government and regulators on the implications of new data-driven technologies, including AI.

We will also ensure that the Government’s National Data Strategy is developed in an inclusive and participatory manner and informed by a robust ongoing dialogue with a diverse range of voices from business, third sector, civil society and data users. In relation to the Government’s own use of data, we will maximise its use and value to build and support a strong data economy, while ensuring that we maintain the public trust.

We will undertake a review of the government open data, including the challenges and barriers to publishing in a machine-readable and structured format, and identifying datasets that could offer more value if improved. In order to address these issues and improve open data within the government overall, DCMS will develop a strategic approach for future action.”

### Milestones

1. Ensure that principles of openness and civic participation are built into the operation of the new Centre for Data Ethics and Innovation.
2. Further develop and maintain an open dialogue with data users and civil society to support the development of the Government’s National Data Strategy.
3. Review of HMG’s Open Data publication, which will identify the key challenges and opportunities of publishing more in machine-readable, standard, openly licenced formats, and set out measures to address this.

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom’s action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Minor

### Commitment Analysis

This commitment aims to improve public trust in the government’s data-focused work, in particular through the Digital Charter, the Centre for Data Ethics and AI (CDEAI) and the National Data Strategy. According to the government Policy Lab, the government included this commitment in the action plan to ensure that the public is aware of the guiding operational principles behind data-focused work and can influence the content. The commitment will facilitate the participation of data users and CSOs so they can provide input into digital policy. It will also review how that input might be integrated into the government’s work in publishing more data.

This commitment builds on activities conducted for commitments 10 and 11 from the UK's third action plan (2016-2018), which aimed to improve and deepen engagement with civil society and expert networks in open data. It also involves initiatives that were already planned or ongoing at the time the current action plan was finalised, such as the Digital Charter and National Data Strategy. The new activities included in the action plan centre on facilitating public and civil society participation in the development of the new CDEAI and the government's National Data Strategy.<sup>1</sup> The commitment is relevant to the OGP value of civic participation due to the focus on open dialogue with data users and civil society (as well as "under-represented groups") in developing the National Data Strategy. It is also relevant to access to information, as the National Data Strategy and Digital Charter aim to ensure data is processed in a timely and efficient manner.

The commitment does not explain how the envisioned participation would directly influence the government's programme of work in practice. For example, it is not clear how the government will "build in" the principles of openness and civic participation into the CDEAI, nor how it will carry out the open dialogue with data users and civil society to support the National Data Strategy's development. In addition, the National Data Strategy and Digital Charter could become quickly outdated and may not meaningfully improve either public participation or increase data disclosure. This is because the new entity CDEAI is composed of senior professionals in the area and does not demonstrate a clear strategy for reaching out beyond professionally interested actors. According to a representative of the Open Data Institute, this commitment could increase public engagement in the government's digital work on data rights and ethics.<sup>2</sup> However, it is difficult to assess how this participation will achieve the commitment's underlining aim of increasing public trust in new technologies and ensuring digital policies are created and implemented in an inclusive manner.

The IRM recommends the government and civil society revisit the milestones and be more explicit about how public participation could lead to real change in the programme of work planned. This would have been most useful in the context of the development of the National Data Strategy, which was published on 9 September 2020, and includes consideration of the use of data in response to the COVID-19 pandemic, as well as a publicly extended invitation to comment on the strategy until 2 December 2020.<sup>3</sup>

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<sup>1</sup> Renate Samson, Open Data Institute, interview 22 July 2020.

<sup>2</sup> Ibid.

<sup>3</sup> UK Government, National Data Strategy, <https://www.gov.uk/guidance/national-data-strategy>

### 3. Open policy making

#### Main Objective

“To work with the UK government’s Policy Lab in continuing to develop resources to support Open Policy Making (OPM) for more informed and better designed policies with the human experience in mind.

Policy Lab will deliver at least four ‘demonstrator’ projects commissioned by departments which put citizens at the centre of policymaking and reach groups whose voices may otherwise not be heard. Learnings from the projects will be shared through the OPM toolkit, blogs, and reflective sessions with Civil Society groups.

Together, we will share ideas on integrating best practices into policymaking; consider the processes governments go through to consult people on policy; and codesign materials that are tailored to different types of open policymaking engagements. Policy Lab will continue working with departments to increase the transparency and accessibility of evidence and to make policy resources publicly available. GOV.UK team will work with the Civil Society and Policy Lab to improve using and sharing their data as openly as possible.”

#### Milestones

1. Update the Open Policy Making Toolkit in collaboration with delivery partners and stakeholders.
2. Deliver at least 4 Open Policy Making demonstrator projects (share learnings from 2018/19 in April and May of 2019/20, feeding into NAP governance).
3. Identify stakeholders and proactively engage to verify and publish outcomes of Open Policy Making impacts.
4. Convene stakeholders to co-create new, and update existing, standards for Open Policy Making approaches based on mutually agreed best practice.
5. Showcase Open Policy Making approaches and projects back to stakeholders through existing channels (blogs, toolkit, in-person presentations etc).

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom’s action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Civic Participation
Potential impact:	Minor

#### Commitment Analysis

This commitment seeks to broaden transparency and inclusivity of the policy-making processes, to ensure that policy is fit for purpose and appropriate for the target beneficiaries. The action plan does not identify a specific problem in the current method of policy making that would require a more robust, open approach. However, the government recognises that policy making could be conducted with the assistance of better guidelines for policy-making actors, and that involvement of stakeholders could be standardised.<sup>1</sup>

The proposed activities include updating the Open Policy Making Toolkit, involving more stakeholders in developing open policy-making practices, and popularising this process within government. The UK’s existing Open Policy Making Toolkit (initially published February 2016) builds on the work of the UK Policy Lab, a civil service team dedicated to improving policy making within central government. Updates to the toolkit are needed to bring it more in line with current participatory norms of including diverse

stakeholders and voices of end-users of services. Policy Lab will deliver at least four ‘demonstrator’ projects and learnings from the projects will be shared through the Open Policy Making Toolkit, blogs and reflective sessions with civil society. This commitment is relevant to the OGP value of civic participation, as the toolkit seeks to make policy making more participatory and the updates will be carried out in collaboration with civil society. The planned activities are verifiable, but few specific outcomes are envisioned, and it is unclear whether these stakeholders are external to the government or currently excluded from the process.

The inclusion of this commitment in the action plan represents the first time that open policy making has been addressed by the UK government at the national level. The fact that open policy making was an ongoing programme within government demonstrates a commitment to the practice. If implemented fully, the updates to the Open Policy Making Toolkit could help standardise the policy-making process and draw into the process a wider range of stakeholders. In principle, providing updated guidance, toolkits and training/workshops, ensuring it is informed by its users and beneficiaries, and integrating a wider range of stakeholders, could improve open policy-making practices. However, it is not clear that the planned activities in this commitment represent a departure from, or significant additional investment in, open policy making, beyond what the government already had planned. Given the significant room for the interpretation of success, it is difficult to assess the potential impact as higher than minor.

The IRM recommends that the UK government implement a more formal and structured process, supported financially and executed within well-defined parameters. This process could help ensure that meaningful participation opportunities exist beyond relatively easy to access organisations and individuals. This is even more important in the context of the COVID-19 pandemic and developing online forms of participation to facilitate this could make the process more meaningful, and the outcomes of higher quality.

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<sup>1</sup> Vasant Chari, Open Policy Lab/Cabinet Office (UK Government), interview 23 July 2020.

## 4. Open contracting data

### Main Objective

“To improve compliance, coverage, and quality of publication to Contracts Finder so that all above threshold public contracts can be tracked from planning to final spending.”

### Milestones

1. Agree joint methodology with civil society for measuring tender and award publication.
2. Achieve 80% of above threshold tenders and awards on Contracts Finder
3. Achieve 90% of above threshold tenders and awards on Contracts Finder
4. Report regularly on publication of contract documents, and extent of redactions.
5. Suppliers on larger central government contracts will have to advertise subcontracting opportunities via the Contracts Finder website.
6. Design and introduce fields for reporting on the use of model contract transparency clauses
7. Design and pilot features to maintain a contracts register and implementation progress information, through Contracts Finder, supporting coverage from planning -> implementation.
8. Publish buyer and supplier organisation identifiers for 90% of domestic awards, and all awards over £1m
9. Publish supplier identifiers for 90% of international awards.
10. Consult widely on the impact and implications of linking contracts and spend to identify opportunities for identifier exchange between procurement and financial systems
11. Four government agencies in DFID priority countries regularly publish data in line with the Open Contracting Data Standard (OCDS) by June 2020, with assistance from Open Contracting Partnership (OCP).

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom’s action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Moderate

### Commitment Analysis

The commitment aims to publish in open format a greater volume of contracts data through the UK government’s portal.<sup>1</sup> The activities include increasing the volume of data available publicly in machine-readable format, thus generating more data for analysis. They also commit to improving data on international awards, and working with the Department for International Development (DfID) priority countries to improve their own contracting data. The measurement of progress on this may be interrupted due to the merger of DfID and the Foreign and Commonwealth Office in September 2020.

Increasing the amount of available open contracting data makes the commitment relevant to the OGP value of access to information. It is also relevant to the OGP value of civic participation, as milestone 10 calls for the government to “consult widely” on the impact and implications of linking contracts and spending, though this is not well-defined. Most of the planned activities are verifiable, as they provide percentages of above-threshold tenders that will be published as well as the percentage of supplier identifiers of international awards. Other milestones are less clear, such as “reporting regularly” on publication of contract documents and the extent of redactions (milestone 4) and “consulting widely” on

the impact and implications of linking contracts and spend to identify opportunities for identifier exchange between procurement and financial systems (milestone 10).

The UK government included commitments around publishing contracts data openly and in the Open Contracts Data Standard (OCDS) format<sup>2</sup> in previous OGP action plan cycles. These past commitments, like the current commitment, refer primarily to ‘above-threshold’ contracts, and so are subject to exclusions, primarily concerning commercial sensitivity.<sup>3</sup> The threshold applies to transparent publishing in public purchasing. Tenders and contracts that fall above the new thresholds must be published in the Official Journal of the European Union (OJEU), a European-wide publication that ensures competition nationally and between European states. The thresholds cover tenders and contracts let under the Public Contracts Regulations 2015, the Concession Contracts Regulations 2016, the Utilities Contracts Regulations 2016, and the Defence and Security Public Contracts Regulations 2011. It is vital for such contracts to be published to ensure researchers, policymakers, legislators and campaigners have the right figures on which to base their calculations of public spending. At the beginning of the fourth action plan cycle, about 70 percent of ‘above-threshold’<sup>4</sup> contracts were being published in a timely manner, so the milestones to increase this to 80-90 percent over the action plan period reflects a significant increase in available data on some of the highest value contracts awarded.<sup>5</sup> The milestones relating to identifiers and newer data fields on the Contract Finder system could also significantly improve the quality and breadth of the data to be made available, as these features were not previously available. These additions could make it easier to cross reference and aggregate data on contracts awarded, with new granularity on location, ownership or company linkages enabling more precise and detailed studies of contracting, thus enabling greater transparency and scrutiny of public spending.

These changes, if implemented, could significantly improve the quality of contracting data and provide a much clearer picture of how public money is spent. At the same time, such data can be used to identify less desirable contracting practices and can contribute to the identification of previously hidden beneficial owners or companies involved in corrupt practices.<sup>6</sup> The current published data is not granular, standardised or comprehensive enough to efficiently identify or uncover these practices, and as such, public money is potentially misused. Enhanced publication would enable civil society, journalists and researchers, as well as the government itself, to better analyse how and where government money is spent. It would also help users to identify patterns or significant points of interest in the contracts data concerning locations, companies, owners and other relevant data points that could inform government on how public money is spent and who benefits.

Overall, this commitment could significantly increase the volume of open contracting data currently available. However, there remain exemptions that can be applied to UK contracts data, and often these can be applied by government without clarifying the rationale.<sup>7</sup> Exemptions are primarily used in situations of commercial sensitivity or national security. This could limit what can be published as part of this commitment.<sup>8</sup> As such, milestones relating to the increase of publication and use of OCDS standards with regard to international contracts data may prove more impactful than the milestones focused on the UK data.

In the context of the COVID-19 pandemic, open contracting data has emerged as one of the most important factors in a country’s ability to quickly and seamlessly secure the necessary resources to address health challenges, and avoid negative issues such as price-gouging, competition and fraud in the supply chain. In building on this commitment, the IRM recommends the UK government publish data with more granularity in relation to supply chains and invest in more international partnership work to increase the transparency of end-to-end supply chains, including where beneficial ownership lies.

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<sup>1</sup> UK Government, Find a contract, <https://www.contractsfinder.service.gov.uk/Search>

<sup>2</sup> Open Contracting Data Standard: Documentation, <https://standard.open-contracting.org/latest/en/>

<sup>3</sup> OGP, IRM UK End of Term Report 2016-2018, p 22, [https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom\\_End-of-Term\\_Report\\_2016-2018.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom_End-of-Term_Report_2016-2018.pdf)

<sup>4</sup> Crown Commercial Service, Guidance on the new transparency requirements for publishing on Contracts Finder, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524351/Guidance\\_on\\_transparency\\_requirements\\_for\\_Contracts\\_Finder.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524351/Guidance_on_transparency_requirements_for_Contracts_Finder.pdf)

<sup>5</sup> Ian MakGill, Spend Network, interview 24 July 2020.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

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<sup>8</sup> Ibid.



## 5. Natural resource transparency

### Main Objective

“To work with others to enhance company disclosure regarding payments to governments for the sale of publicly owned oil, gas and minerals and help to establish and implement a common global reporting standard.

- To continue leading an international dialogue on increased transparency around sales of publicly owned oil, gas and minerals.
- To undertake a scoping study to review what potential national action the UK could take to enhance company disclosure around the world regarding sales of publicly owned oil, gas and minerals. As part of this review, we will consider a form of cross-departmental guidelines on reporting these specific payments to governments.
- To maintain our commitment to the Extractive Industries Transparency Initiative (EITI) and to implementation of the UK-transposed EU Directives for mandatory reporting by companies.
- To provide clarity for UK-listed extractive companies, under the Disclosure Guidance and Transparency Rules; transparency disclosures are required to be in both open machine-readable data format and in human-readable format suitable for dissemination to as wide a public as possible.”

### Milestones

1. Continue to lead an international dialogue on increased transparency around sales of publicly owned oil, gas and minerals.
2. The UK will undertake a scoping study to review what potential national action we could take to enhance company disclosure around the world regarding sales of publicly owned oil, gas and minerals. As part of this review, we will consider a form of cross-departmental guidelines on reporting these specific payments to governments in this sector.
3. Maintain our commitment to the Extractive Industries Transparency Initiative (EITI) and to implementation of the UK-transposed EU Directives for mandatory reporting by companies.
4. In light of the BEIS Post Implementation Review of the UK mandatory reporting regulations and the European Commission consultation in respect of the Accounting Directive chapter 10 (due end 2018), we will be open to working with stakeholders and delivery partners in exploring the scope for enhancing the effectiveness of reporting requirements.
5. We will clarify for UK-listed extractive companies, under the Disclosure Guidance and Transparency Rules, that transparency disclosures are required to be in both open machine-readable data format and in human-readable format suitable for dissemination to as wide a public as possible.

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom’s action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic participation
Potential impact:	Minor

### Commitment Analysis

The commitment aims to continue the UK’s ongoing work on transparency in the governance of natural resources and the extractives industry, in order to remain a key driving force internationally, and to explore further work in this area. It is largely a continuation of commitments made in the UK’s previous OGP action plans, particularly its work related to the Extractive Industries Transparency Initiative (EITI). The activities focus on exploratory and consultative work that will identify more concrete future actions and continue to frame the UK as a leader in this field.<sup>1</sup>

The UK conducted significant work in improving natural resources governance during previous action plan cycles, and as such began the current action plan with a solid foundation of leadership in this field.<sup>2</sup> Commitment 2 of the third action plan (2016-2018) saw UK-listed extractive companies begin to publish data under the EU Transparency Amending Directive in an open and machine-readable format and they are now required to continue doing so. Additionally, the UK convened international actors from 22 countries to discuss further progress on resource transparency and completed its third EITI report.<sup>3</sup> The UK's experience in facilitating international dialogue on the transparency of natural resources governance enables it to use its expertise and leadership to take forward the proposed milestones concerning further improvement.

The commitment is relevant to the OGP value of access to information, as it calls for clarifying to UK-listed extractive companies that transparency disclosures are required to be in both open machine-readable data format and in human-readable format. It is also relevant to civic participation because it calls for “working with” stakeholders and delivery partners in enhancing the effectiveness of reporting requirements. While this commitment is verifiable, the activities could be more precise, with better clarification of the relations between its activities.<sup>4</sup> They largely focus on maintaining existing relationships and discussions on the transparency of natural resources governance but will be unlikely to produce new information or instigate new processes. The commitment also does not plan to strengthen specific areas of known weakness in the governance of natural resources, in particular around compliance monitoring.<sup>5</sup>

Overall, the commitment focuses on continuing the international championing role that the UK has historically performed in improving the transparency of natural resources governance. However, the planned activities will not mark a departure from the status quo, so the potential impact is considered minor.

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<sup>1</sup> Joseph Williams, NRGI, interview 20 July 2020.

<sup>2</sup> Ibid.

<sup>3</sup> OGP, IRM UK End of Term Report 2016-2018, p 14-15, [https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom\\_End-of-Term\\_Report\\_2016-2018.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/05/United-Kingdom_End-of-Term_Report_2016-2018.pdf)

<sup>4</sup> Miles Litvinoff, PublishWhatYouPay, interview 22 July 2020.

<sup>5</sup> Ibid.

## 6. Innovation in democracy programme

### Main Objective

“To deliver a programme to involve citizens in local decision making in Local Authorities through trialing innovative models of deliberative democracy, complemented by a digital engagement strategy to broaden reach and transparency.

Between elections, the majority of UK citizens will experience very little influence in Government decision making at a local and national level.

We must continue to pursue new ways to involve citizens in Government decision making; stimulate dialogue and promote understanding of the impact of policymaking on everyday life. Both through promoting the benefits of such engagement, to citizens and Government officials and decision makers, and by sharing best practice and building skills and capability within Government.

People are most likely to engage where they see the everyday impact of the decisions that are made, and feel they can make a difference by being involved.

We will be supporting local authorities (LAs) to pilot ‘Area Democracy Forums’ to empower participants to deliberate and make recommendations on a decision that the LA has to make, leading to real impact on local policy development and delivery. The face-to-face participation will be complemented by digital platforms to increase engagement and transparency.”

### Milestones

1. Appoint Democracy Support Contractor (following an open competition)
2. Appoint local authorities which will take part in programme (following an open competition)
3. Pilots delivered.
4. Evaluation

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom’s action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Civic Participation
Potential impact:	Minor

### Commitment Analysis

According to the UK’s action plan, citizens currently have limited opportunities to influence government decision making in the UK between elections, particularly at the local level. In addition, there are many citizens of local communities that local authorities do not hear from or are not listening to.<sup>1</sup> Therefore, this commitment aims to pilot “Area Democracy Forums” (in the format of citizens’ assemblies) in local authorities to increase the opportunities for citizens to become involved in decision making at the local level and over issues that affect their communities and their everyday lives. The Area Democracy Forums also aim to encourage new relationships and build trust between citizens and local authorities and strengthen local civil society by encouraging participation in local institutions.<sup>2</sup> Lastly, these assemblies aim to bring together a representative sample of the areas and encourage those who would not normally be part of the local decisions to have their voices heard.<sup>3</sup>

This commitment is relevant to the OGP value of civic participation, as the pilot Area Democracy Forums aim to encourage citizens to participate in decision making in local authorities through citizen assemblies. The specific activities include appointing a “Democracy Support Contractor”, appointing local authorities to take part in the pilot programme (the Innovation in Democracy Programme - liDP) and developing an evaluation of lessons learned. Although the action plan notes that 8-10 local authorities will participate in the pilot Area Democracy Forums, this number was reduced to three authorities during the roll out of the programme.<sup>4</sup> The pilots will be organised in collaboration with the Department for Digital, Culture, Media and Sport (DCMS), the Ministry of Housing, Communities and Local Government (MHCLG), and several CSOs, including Involve, mySociety and Democratic Society, among others. According to a representative from Involve, DCMS and MHCLG will establish an advisory panel for the liDP and provide funding for direct costs for delivery and of the programme.<sup>5</sup> The CSO partners will provide design and logistical support the participating authorities in delivering the pilot assemblies. This support will include facilitating online engagement, organising a peer learning network for participating and other local authorities, and organising a conference at the conclusion of the programme.<sup>6</sup>

If successfully carried out, the pilot citizens’ assemblies and the lessons learned could help improve citizens’ ability to participate in decision making on local topics that affect their everyday lives. Topics of discussion will cover issues of public concern related to health, wellbeing, the environment and the local economy.<sup>7</sup> Also, if scaled up or expanded to other local authorities, the citizens’ assemblies could make local authorities more responsive to public needs and priorities throughout the country. Ultimately, the potential impact of the assemblies will depend on how successfully they are carried out, particularly in light of the ongoing COVID-19 pandemic. The CSO Involve has developed a digital strategy to extend the reach, transparency and accountability of the process and collect and share the local authorities’ learning within and beyond their authority.<sup>8</sup> Involve will also adjust how it supports the assemblies, shifting to predominantly online delivery for the first six months of 2021 and focusing on inclusion and accessibility (as it has done in previous face-to-face events), given the challenges this can pose to some participants.<sup>9</sup>

Moving forward, the IRM recommends that the civil society partners continue developing and utilising digital engagement platforms for the citizens’ assemblies and consider expanding the programme to cover more local authorities. In addition, the IRM recommends that participating local authorities embed feedback mechanisms within their citizen assemblies (utilising formats that work best for each local authority) to ensure participants receive detailed responses from local officials on how their input was considered.

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<sup>1</sup> Lizzie Adams, Project & Governance Lead, Involve, email correspondence with IRM, 16 December 2020.

<sup>2</sup> Involve, The Innovation in Democracy Programme and its Lessons for Deliberative Democracy, <https://www.involve.org.uk/resources/blog/opinion/innovation-democracy-programme-and-its-lessons-deliberative-democracy>

<sup>3</sup> Lizzie Adams, Project & Governance Lead, Involve, email correspondence with IRM, 16 December 2020.

<sup>4</sup> For more information of the citizen assembly case studies, see <https://www.involve.org.uk/sites/default/files/uploads/liDP%20case%20studies.pdf>

<sup>5</sup> Lizzie Adams, Project & Governance Lead, Involve, email correspondence with IRM, 16 December 2020.

<sup>6</sup> Ibid.

<sup>7</sup> See <https://www.involve.org.uk/sites/default/files/uploads/liDP%20case%20studies.pdf>

<sup>8</sup> Involve, The Innovation in Democracy Programme and its Lessons for Deliberative Democracy, <https://www.involve.org.uk/resources/blog/opinion/innovation-democracy-programme-and-its-lessons-deliberative-democracy>

<sup>9</sup> Lizzie Adams, Project & Governance Lead, Involve, email correspondence with IRM, 16 December 2020.

## 7. Effective knowledge sharing for sustainable OG policies and practices across public services

### Main Objective

“Scotland will lead a programme of discussions over the next two years to identify how best to support the spread of Open Government policy and practice across public services.

The work plan for the two years and the groups taking it forward will be determined at an initial meeting of representatives from all spheres of government, civil society, citizens, and experts from across the UK in the spring of 2019.

The aim will be to build upon the collaborative work already carried out across all jurisdictions; establish a process to share learning across the UK; to establish effective, effective ways to lead and spread Open Government - through collaborative dialogue between governments, civil society and experts.

It will have a number of working groups to develop options for the models of leadership and guidance which can support Open Government becoming the way of working across public services. It will consider to what degree that this spread is dependent upon access to the benefits of direct membership of OGP.

The working groups may consider what mechanisms could support:

- improved collaborative working within and across the spheres of government, so that open government practices in transparency, accountability and participation are spread through public services
- the role of civil society to ensure there is a system which is sustainable, empowering, effective and recognises the roles of a vibrant civil society
- raising the profile of open government with citizens
- the relationship with OGP so we can all reap the benefits of international shared learning more equitably and effectively

It is proposed that this work will draw on the expertise from OGP and from the participating jurisdictions and support the priorities in each place. It could operate by meetings and remote discussions, with each group coming together at least four times over the next 2 years.

In addition, it is proposed that the output from the working groups comes together to a high level learning event in late spring 2020. This will be aimed at ensuring senior political (where possible), administrative, and civil society buy-in to support open government activity for the next National Action Plan cycle.”

### Milestones

1. Hold working level discussions across the 4 nations to plan the programme of work-streams and outputs.
2. Hold a workshop for each of the work streams to develop their thinking.
3. Hold High level working group with representatives from each of the work-streams, OGP Support Unit and to include political leaders. To discuss and agree options for future sharing of learning across UK.
4. Final meeting of working level group to put into action the outputs from the work-streams and the high-level discussions.

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom’s action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Civic Participation
Potential impact:	Minor

### Commitment Analysis

Under this commitment, the Scottish Government aims to collaborate on best practices for open governance policies across the UK regions and devolved nations. The commitment was included in the UK's national action plan to bring the devolved nations and regions into closer alignment with each other on open government working practices, empower those regions and broaden awareness of open government principles. The activities centre on dialogue, workshops, collaborative development, sharing of information and training to strengthen open government practices across the different jurisdictions.

The UK has three devolved governments (Scotland, Northern Ireland and Wales) in addition to the Westminster government, which retains responsibility for English governance. Open government practices in the devolved governments already exist. However, the Scottish Government became the first in the UK to join the OGP local programme, and as a result has developed a more focused and independent range of open government activities. The commitment is relevant to the OGP value of civic participation, as it will involve holding dialogues with civil society, citizens and experts from across the UK on best practices in open government. Most of these dialogues will take place in 2019, while the working groups were due to come together for a "high-level learning event" in late spring 2020.

This commitment could improve the status quo of uneven open governance practices at the local level by joining up open government practitioners across the devolved governments, facilitating the sharing of learning and practice, and providing opportunity for collaborative action. This could in turn strengthen the network of open government practitioners performing comparable, high-quality open government activities across the nations. However, some of the burden of OGP-related work has fallen on CSOs already stretched in terms of capacity. In addition, there are concerns that the two programmes of work, the action plan and Scotland's local OGP programme, may suffer because CSOs lack capacity and are not funded for participating in this work.<sup>1</sup> There is also difficulty in organising meetings between the three devolved nations with the relevant stakeholders due to other commitments, thus the starting point for this work is relatively low.<sup>2</sup> Lastly, according to an interviewed civil society stakeholder, the commitment does not address the necessary support and participation considerations (such as cost, political and administrative support to attend, and allocated time to do so) relating to civil society involvement across the devolved nations, which is generally key to OGP practice.<sup>3</sup> Therefore, it is difficult to assess the potential shift in the governance practices of the devolved regions as higher than minor.

The collaborative and group-centred nature of the activities planned for this commitment may be significantly delayed or impacted by the COVID-19 pandemic. There are currently no mitigation measures in place to migrate these sessions online, but this is due to the need to prioritise response-related activity.

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<sup>1</sup> Shaben Begum, Scottish Independent Advocacy Alliance, interview 17 July 2020.

<sup>2</sup> Doreen Grove, Scottish Government, interview 23 July 2020.

<sup>3</sup> Alex Stobart, MyDex CIC, interview 20 July 2020.

## 8. Local transparency

### Main Objective

“The Ministry of Housing, Communities and Local Government (MHCLG) will develop a package of policy proposals to help and encourage councils to publish all the information they can (i.e. not personal or sensitive data) as a matter of course. These proposals will be developed and tested in collaboration with the local government sector. MHCLG will engage with the sector through a series of visits, meetings and workshops aimed at understanding the barriers to and opportunities of greater local transparency. The subsequent proposals will drive further efficiency and innovation within the local government sector.

In December 2017 the Prime Minister wrote to Cabinet colleagues about her priorities for progressing the Government’s transparency agenda. In pursuit of these objectives, MHCLG will take forward the work to develop a package of policy proposals – in collaboration with the local government sector - to help and encourage councils to publish all the information they can.

These proposals will be developed in line with the Local Digital Declaration, a joint endeavour initiated by MHCLG, the Government Digital Service (GDS), and a collection of local authorities and sector bodies from across the UK and signed by over 160 LAs committed to working collaboratively to design user-centred public services fit for the internet age. Great work has already been done to transform our services using digital tools and technology, but we have an opportunity to do more by using Declaration principles.

The Declaration aims to co-create the conditions for the next generation of local public services in a more open and flexible market in which we can unlock the full potential for innovation. Proposals for driving greater local transparency will, therefore, be designed in accordance with Declaration principles.”

### Milestones

1. Develop a package of policy proposals to help and encourage councils to publish all the information they can (i.e. not personal or sensitive data) as a matter of course.
2. Respond to the 2016 consultation on the Transparency Code summarising responses to the consultation as well as the findings of the 2018 survey. The consultation response will also set out MHCLG’s plan for developing a new policy on local transparency.
3. Implement a local government data engagement programme to understand the barriers to and opportunities presented by open data, including workshops, site visits and presentations.

**Editorial Note:** For the complete text of this commitment, please see the United Kingdom’s action plan at <https://bit.ly/2YPqNoV>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Minor

### Commitment Analysis

The action plan notes that there is currently a paucity of good quality, searchable and machine-readable data available at a local level in the UK, in particular concerning data produced by local authorities, which is not currently standardised or streamlined. Interested users must access this information through individual systems for each Authority, making cross comparison across local authority

organisations difficult without significant resources. While many local authorities produce and publish significant amounts of information, much of it is not searchable or is only available in PDF format, thus limiting its re-usability.<sup>1</sup> These challenges both restrict data-driven policy making and reduce the ability of citizens to engage with local-level policy making or hold their institutions to account.

Under this commitment, the Ministry of Housing, Communities and Local Government (MHCLG) will develop and test a set of proposals for local authorities on how to most efficiently publish their data. MHCLG will collaborate with the local government sector (through visits, meetings and workshops) to better understand challenges experienced by local authorities regarding transparency. The commitment's focus on assisting local authorities to improve their data publishing practices makes it relevant to the OGP value of access to information. It is also relevant to the OGP value of civic participation, as the MHCLG plans to hold a series of visits, meetings and workshops with local authorities aimed at understanding the barriers to, and opportunities for, greater local transparency.

The activities in this commitment represent a first step in identifying existing barriers to local-level transparency and identifying improvements in publication practices for local authorities. The commitment does not specifically call for local authorities to publish more information within the milestones. Rather, MHCLG will develop guidelines and recommendations to govern future improvements in publication practices. This was an intentional choice, as MHCLG believed that there was not necessarily a need for 'more' data, as it is technically already available, albeit not in optimal formats. Therefore, MHCLG decided to focus on improving the quality and usability of existing data, while standardising publication practices across local authorities.<sup>2</sup>

The new guidelines and recommendations developed under this commitment could, in due course, catalyse better data and information publication by local authorities. However, the commitment does not provide a timeline for the eventual improvement in access to information, nor does it detail the priority policy areas or ideal volumes of data published. The commitment, therefore, is unlikely to lead to more than a minor shift in the status quo at the culmination of the action plan period. A more ambitious programme of activities and outcomes may be beneficial in future action plans to increase the volume of quality, local-level data available to citizens and civil society, which may also benefit UK level policy making.

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<sup>1</sup> Alicia Walker, Ben Cheetham, Chris Widgery and Sheldon Ferguson, MHCLG (UK Government), interview 21 July 2020.

<sup>2</sup> Ibid.



## V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country and, 2) an assessment of how the government responded to previous IRM key recommendations.

### 5.1 IRM Five Key Recommendations

Recommendations for the next action plan's development process	
1	Improve communication with civil society throughout the co-creation process and publish feedback to major civil society proposals received
2	Increase cross-ministerial direction and input to enable greater collaboration across departments during co-creation and standardise commitment language

These recommendations focus on two key areas where the UK government could tighten and better focus the development of the action plan in the next implementation period. These recommendations are based on weaknesses identified in the development of the fourth action plan and would represent improvements in line with the OGP action plan development guidance.

#### **Improve communication with civil society throughout the co-creation process and publish feedback to major civil society proposals received**

The next co-creation process would benefit from a more inclusive, focused and ongoing dialogue between the UK government and civil society actors in discussing the quality, measurability and outcome-focus of the commitments in the action plan. A lengthier consultation with civil society actors, to include more meetings but also more online interaction between official meetings, may have produced more coherent commitments with clearer outcomes and measures of success. Ongoing communication between civil society and government during the development of the fourth action plan would also help maintain civil society engagement, given the significant delay between the consultations and publication of the final plan.

Improvements in communication should also encompass the provision of feedback by government to CSOs on the inclusion or omission in the final action plan of certain civil society proposals. The Open Government Network (OGN)'s manifesto (published in June 2018) included several recommendations on priority areas from civil society to be considered for inclusion in the action plan.<sup>1</sup> However, the government did not provide any reasoning behind how these stakeholder priorities were or were not considered when developing the draft and final versions of the action plan. It is possible that omission of certain areas of work from the action plan occurred for good reason and communicating this to CSO groups would improve understanding of the government decision-making process. The government should ensure in future development phases that civil society is apprised of the process and kept informed of delays or issues. Civil society in the UK remains highly invested in open government, despite omissions of issues of interest from the fourth action plan as well as delays in its finalisation. It also remains willing to contribute expertise and resources in assisting the government. It does, however, need the opportunity and invitation by government to do so, not only in the development phase, but also iteratively during the implementation period.

#### **Increase cross-ministerial direction and input to enable greater collaboration across departments during co-creation and standardise commitment language**

The co-creation process of the UK's next action plan could benefit from a more unified collaboration within government, between implementing departments, in writing and agreeing on commitments and milestones. During the launch of the fourth action plan, the OGN explicitly called for greater ministerial engagement in OGP.<sup>2</sup> Clear and visible ministerial support and interest in the OGP process (such as speeches, participation and co-creation consultations) is crucial to ensure greater interest in the action plan among both civil servants and civil society, especially as the OGN called for greater levels of

political engagement in OGP.<sup>3</sup> Furthermore, greater internal collaboration in developing the next action plan may improve the peer-support available for civil servants in later delivering the commitments and link them across departments in a common goal. For example, the creation of an internal, cross-departmental OGP implementation group may benefit all civil servants involved in the process and create a more positive and focused environment for implementing individuals.

Greater political engagement and cross-departmental collaboration could also improve measurability, better define outcomes and properly situate responsibility for these activities. Common methods of writing the commitments, milestones and outputs would create a more coherent action plan which could better demonstrate success. Furthermore, during the implementation phase, this could lead to better organisation in working with external stakeholders, clearer internal organisational overview on progress, and ongoing ownership of responsibility for achieving the milestones.

Recommendations for the next action plan's design	
1	Amend the Freedom of Information Act to ensure timely responses to information requests and extend its scope to cover private entities that provide public services
2	Consider including a commitment to ensure effective public oversight over contracts and public procurement related to COVID-19 response and recovery
3	Continue standardising information at the local level to improve access

### **Amend the Freedom of Information Act to ensure timely responses to information requests and extend its scope to cover private entities that provide public services**

According to the Global Right to Information (RTI) Index, the UK has room for improvement in exception and refusal mechanisms within its existing Freedom of Information (FOI) legislation, noting that even in instances of meaningful public interest, certain bodies are able to use exemptions to prevent the disclosure of documentation.<sup>4</sup> Currently, public bodies have 20 days to respond to an FOI request, and a further 20 working days to respond to an appeal if it is rejected.<sup>5</sup> Requesters can appeal rejections to the Information Commissioner's Office (ICO), but the ICO does not have the authority to sanction public bodies or enforce deadlines for responding to information requests.<sup>6</sup> In addition, due to the COVID-19 pandemic, a significant number of public bodies may still delay their requests without penalty, in direct contradiction to the stated UK position on FOI.<sup>7</sup>

With this in mind, the IRM recommends that the UK's next action plan include commitments to amend and strengthen the country's FOI legislation to ensure timely responses to information requests, especially given delays resulting from the pandemic. Also, as suggested in the OGN's 2018 manifesto, the IRM recommends ensuring that the UK's FOI regime covers private entities that provide public services.<sup>8</sup> As a basis, the UK government could use the recommendations from the ICO's 2019 report to Parliament for strengthening the FOI legislation and outsourcing to public services.<sup>9</sup>

### **Consider including a commitment to ensure effective public oversight over contracts and public procurement related to COVID-19 response and recovery**

During the ongoing pandemic, it is important for the UK government to quickly and seamlessly address health challenges and avoid price-gouging, potential conflicts of interest and fraud in the supply chain for the response and recovery effort. In the next action plan, the IRM recommends the UK government include a commitment to publish granular data on supply chains and contracts related to the COVID-19 response and recovery.<sup>10</sup> Building on Commitment 4 in the current action plan, the government should ensure it collects and publishes data on COVID-19 response and recovery using the Open Contracting Data Standard. Procurement data should also be published at the municipality and local levels, as well as at the national level. In addition, the UK government could go further by developing specific mechanisms to investigate and sanction possible cases of abuse in the awarding process for COVID-19-related procurement and contracts.

### **Continue standardising information at the local level to improve access**

Access to information at the local level in the UK was cited in previous action plans and subsequent IRM reports as an area requiring significant development. Although Commitment 8 in the current action plan addresses this area, it would benefit from a greater investment of resource and ambition in future action plans, particularly regarding more and better-quality data, standardised across local authorities. While the Ministry of Housing, Communities and Local Government (MHCLG) has been responsible for this commitment in the current action plan, a requirement on local authorities to commit to meeting specific goals would also be useful in broadening accountability for meeting the commitment.

## 5.2 Response to Previous IRM Key Recommendations

### Previous IRM Report Key Recommendations

Recommendation		Did it inform the OGP Process?
1	A parliamentary committee (and respective other devolved equivalents) to oversee transparency policies	X
2	High-profile intervention or event in support of the OGP process	✓
3	A focus on more information and data on the impact of Brexit on everyday life	X
4	Continue to experiment with new ways of engaging CSOs	X
5	High-profile cross-cutting 'signature' reforms (of a kind seen in the third action plan such as beneficial ownership)	X

Of the five recommendations from the IRM 2016-2017 Progress Report, the government incorporated one (recommendation 2) into the fourth action plan, by launching the action plan internationally, in a high-profile manner, at the 2019 OGP Global Summit in Ottawa.<sup>11</sup> This was symbolic in demonstrating the UK government's commitment to the OGP process. Due to governmental pressures external to the development of the action plan, such as Brexit, with the associated effect this had on parliamentary business, and the related instability in government, it was not possible to convene a parliamentary committee (or devolved equivalents) to oversee transparency policies. For the same reasons, recommendation 3 was not fulfilled, as the terms of the official Brexit action had not been legally confirmed while the action plan was being developed. Political instability within government, as well as re-prioritisation of staff to address the Brexit process, also reduced the capacity for significant innovation in the development of the fourth action plan, which prevented the government from fully integrating recommendations 4 and 5 from the IRM 2016-2017 Progress Report. Making progress in areas of existing expertise and activity in open government practice was more achievable than including novel areas which may not have been practical to implement during the challenges of Brexit and the change of government.

<sup>1</sup> UK Open Government, OGN manifesto 2018, <https://www.opengovernment.org.uk/resource/uk-ogn-manifesto-2018/>

<sup>2</sup> UK Open Government, OGN letter to Matt Hancock MP about ministerial engagement on open government, <https://www.opengovernment.org.uk/resource/ogn-letter-letter-to-matt-hancock-mp-about-ministerial-engagement-on-open-government/>

<sup>3</sup> UK Open Government, Margot James MP responds to OGN Steering Group letter about ministerial engagement on open government, <https://www.opengovernment.org.uk/2018/08/15/margot-james-mp-responds-to-ogn-steering-group-letter-about-ministerial-engagement-on-open-government/>

<sup>4</sup> Global Right to Information Rating, United Kingdom, <https://www.rti-rating.org/country-data/United%20Kingdom/>

<sup>5</sup> New Statesman, Freedom of Information: how your right to know is being quietly removed, <https://www.newstatesman.com/media/2020/10/freedom-information-how-your-right-know-being-quietly-removed>

<sup>6</sup> Open Democracy, Cynical British public bodies are denying our FOI rights, [opendemocracy.net/en/dark-money-investigations/british-public-bodies-are-denying-our-foi-rights/](https://opendemocracy.net/en/dark-money-investigations/british-public-bodies-are-denying-our-foi-rights/)

<sup>7</sup> UK Government, Coronavirus (COVID-19): scientific evidence supporting the UK government response, <https://www.gov.uk/government/news/coronavirus-covid-19-scientific-evidence-supporting-the-uk-government-response>

<sup>8</sup> UK Open Government, UK OGN Response to Public Consultation on draft Open Government Action Plan 2018-20, <https://www.opengovernment.org.uk/resource/uk-ogn-response-to-public-consultation-on-draft-open-government-action-plan-2018-20/>

<sup>9</sup> Information Commissioner's Office, Outsourcing Oversight? The case for reforming access to information law, p 8-9, <https://ico.org.uk/media/about-the-ico/documents/2614204/outsourcing-oversight-ico-report-to-parliament.pdf>

<sup>10</sup> For recommendations on ensuring a response to the COVID-19 pandemic, see pp 46-49 of OGP's guide, <https://www.opengovpartnership.org/wp-content/uploads/2020/06/OGP-Guide-to-Open-Gov-and-Coronavirus.pdf>

<sup>11</sup> UK Open Government, The Action Plan has been published – what's next? <https://www.opengovernment.org.uk/2019/06/20/the-action-plan-has-been-published-whats-next/>

## VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in the United Kingdom's OGP repository (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organisations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.<sup>1</sup>

### Interviews and stakeholder input

This research was conducted remotely, consisting of desk research and interviews conducted via videoconferencing software. The completion of the research was impacted by a number of factors:

- During the time between the publication of the fourth action plan (May 2019) and the commencement of the Design Report research (June 2020), many relevant individuals in the OGP action plan had vacated their posts and were unavailable for interview.
- The period during which the research was conducted, over the summer, coincided with a common time in the UK during which relevant individuals were taking extended annual leave.
- The research was conducted during the COVID-19 pandemic, and as such a number of relevant individuals were unavailable to participate due to sickness or inability to work, or as a result of being furloughed or redeployed within their businesses.

The selection of stakeholders to interview was guided by those named in the action plan and the involvement of civil society actors in the milestone activities, as well as with civil society stakeholders involved in the development of the action plan. Relevant individuals within the government departments responsible for commitments were also interviewed, having been identified with assistance from the Department for Digital, Culture, Media and Sport.

The following organisations were interviewed for the report:

Involve	Tim Hughes	21 August 2020
360Giving	Tania Cohen	17 July 2020
PublishWhatYouPay	Miles Litvinoff	22 July 2020
Spend Network	Ian Makgill	24 July 2020
Open Data Institute	Renate Samson	22 July 2020
National Resource Governance Institute	Joseph Williams	20 July 2020
MyDex CIC	Alex Stobart	20 July 2020
Scottish Independent Advocacy Alliance	Shaben Begum	17 July 2020

UK Open Government Network	Collective	Via email, 4 August 2020
Cabinet Office	Andrew Bowen Maxwell Potter Vasant Chari Becky Miller	20 July 2020  23 July 2020
Ministry of Housing, Communities and Local Government (MHCLG)	Alicia Walker Ben Cheetham Sheldon Ferguson Chris Widgery	30 July 2020
Scottish Government	Doreen Grove	23 July 2020

### About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org).

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<sup>1</sup> IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

## Annex I. Commitment Indicators

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.<sup>1</sup> The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>2</sup> A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
  - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

### What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., "Misallocation of welfare funds" is more helpful than "lacking a website.")
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., "26% of judicial corruption complaints are not processed currently.")
3. **Change:** Rather than stating intermediary outputs, what is the targeted behaviour change that is expected from the commitment's implementation? (E.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")

### Starred commitments

One measure, the “starred commitment” (☆), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.

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<sup>1</sup> “Open Government Partnership: Articles of Governance” (OGP, 17 Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance/> .

<sup>2</sup> “IRM Procedures Manual” (OGP), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.