**Draft**

**Scottish Commitments for the UK National Action Plan**

***January 2016***

[Overview on Open government to be added]

**Theme 1**: Access to Information

**Challenge**: Ensuring that access to information is based on the principle of transparency and openness and that FOI laws are an integral part of the wider approach. .

**Context:**

As a central part of Open Government, it is important that members of the public and organisations can access the information they need from Scottish public bodies in a form that they can use. This is so that people can pursue interests, participate in government decision making and ensure the public sector is held to account for its policies and spending. This recognises that the “Right to Know” is a cornerstone of democratic engagement and helping governments to improve continuously. This requires a system that obligates Scottish public authorities to both respond to information requests within set timescales and to publish information proactively where there is a public interest. The Scottish Government’s Open Data Strategy complements the right to information under FOI and aims to ensure anonymised data generated by public bodies is made available through easily accessible channels.

**Actions**:

1. We will develop a framework to proactively publish government research timeously; to set out the evidence and research used in policy development by Scottish Government.
2. We will adopt a new Scottish Government website from 2016, which will make it easier for people to locate the information they are looking for, including information which has been proactively published.
3. We will actively seek ways to promote openness through access to information, using the statutory powers available to us.  Specifically, we will:
* ensure effective implementation of our current commitment to bring organisations who own or manage private prisons, secure children’s accommodation, grant-aided schools, independent special schools, and Scottish Health Innovations Limited within the scope of the Freedom of Information (Scotland) Act 2002 (FOISA);
* consult in 2016 on options for extending access to information held by registered social landlords;
* ensure that any new legislation actively considers creating access to information provisions, or bringing new bodies within the scope of FOISA; and
* work with Civil Society and the Scottish Information Commissioner to identify organisations which deliver ‘functions of a public nature’ and whether all or part of their work should be subject to FOISA or other transparency initiatives.

4. During the next Parliament, we will bring forward an order under FOISA to remove some of the statutory legislative barriers to release of information. While in some cases there are legitimate reasons for legislation to prohibit the release of certain types of information (such as to protect national security), there are a few, mainly older pieces of legislation where the restrictions now seem to be outdated and not consistent with our commitment to open government.

**Commitment**: Protect FOI rights, improve proactive publication and maximise information.

**Theme 2**: Anti- Corruption (Transparency as Regulation)

**Challenge**: Maintain trust, integrity & accountability in government

**Context**

Corruption harms societies, undermines economic development and threatens democracy (*UK anti-corruption plan, December 2014*). Corruption is the abuse of power for personal or other benefit; involving dishonest or fraudulent activity, often involving bribery. It is insidious and reduces public confidence in institutions and organisations. Acting publicly and openly against corruption will reduce the potential for corruption and reinstate public confidence in organisations, particularly those funded by the public purse.

**Actions**:

5. To improve engagement with public sector organisations regarding counter-fraud and anti- corruption activities through active awareness-raising, training, self-assessment and / or audit. To ensure that all bodies make a clear commitment to ethical standards in public life and develop a fraud plan in order to enhance their approach to countering fraud.

**Commitment**: **For Scotland to be a leader in identifying and preventing corruption and the risk of fraud and corruption in the public sector**

**Theme 3**: Civic Participation (Citizen Engagement & Participatory Democracy)

**Challenge**: To ensure that our government, working with civil society, creates the conditions, systems, processes and mechanisms for people to be involved in and to influence the decisions that affect their lives. Scottish Ministers and Scottish civil society want to see a step change in society and in how the Scottish Government does its work. There are 3 clear priorities of government: prosperity, tackling inequalities and protecting and reforming public services. For all of this work there is an expectation of increased involvement of citizens and a requirement for us to work with and pass power to people and communities, to deliver a fairer and a more prosperous society.

**Context**

Open government requires openness to citizen participation and engagement in policy making and governance, including basic protections for civil liberties and human rights. In Scotland we recognise that the benefits of engagement can include: better outcomes for individuals, families and communities; a more robust and sustainable economy; better service delivery; more engaged and empowered citizens; leading to greater trust and understanding of government. This process of recognising and building on the strengths of people is the basis of our drive to reform public service, with people, rather than to them and is described as the Scottish Approach.

**Actions**:

6. Implementation of the Community Empowerment (Scotland) Act 2015, which provides a legal framework to encourage participation and empowerment across a range of topics including: community planning; an expanded community right to buy; a new right for community bodies to request transfer of public sector land and buildings; public participation in decision making; and participation requests which enable community bodies to put forward ideas to improve outcomes.

7. A proof of concept and learning exercise to assess whether it is possible to apply participative approaches to national decisions on Scotland’s national budget. This will include consideration of the use of an open data approach to the national budget information to complement participatory budgeting at local and national levels.

8. To review, refresh and promote the National Standards of Community Engagement

9. To develop a systematic approach to supporting children’s rights in Scotland as defined in the Children and Young People (Scotland) Act 2014

10. Continue development of our approach to consultation, deploying an array of digital and other techniques to broaden our participation in consultation, make participation in consultations accessible and inviting, demonstrating clearly what the consultation has produced and how this has influenced the policy outcome. In developing this work, we will regularly draw feedback from citizens, e.g. through consultation hack events, and learn from what we hear to develop our approach further.

11. To embed citizen participation, the Scottish approach we will develop a system and a number of clear places or projects to test out a range of approaches to policy development and service delivery with people. This will include participation, collaboration and co- production; to build on the strengths of people and communities, recognising the contribution that people make. An early example of this is the National Conversation on a Fairer Scotland which has tested out a high profile deliberative approach with a wide range of citizens, on the theme of tackling inequality in Scotland. The actions to emerge from Fairer Scotland will continue to be tested using a range of innovative techniques for involving citizens. In partners so we can pay careful attention to what we learn, building this in to developments as we proceed.

12. The Scottish Cabinet will meet in towns and cities outside Edinburgh at least once every two months. As part of this programme open public discussions will be held in community venues where members of the public are able to attend to question the Scottish Government on their policies and to raise local and national concerns. We will ensure Scottish ministers do more online including question and answers with the public, and participate in online deliberative conversations. We will also invest in digital participation programmes to ensure more people can participate in this.

**Commitment**: Encourage innovative forms of participation, engagement and collaboration

**Theme 4**: Open Data

**Challenge**: The challenge in Scotland is to escalate the pace and scale of openly accessible data, building on current good practice, open standards and ensuring the on-going engagement of a widening community of data users to identify data for priority release.

**Context**

Open data is the raw material of open knowledge.  Accessible, usable and shared data creates knowledge and innovative processes. By making data that the public sector holds open it enables communities and individuals to hold government to account, understand more about public services, gain insight into their own community and contribute to the future design and delivery of public services. Publishing public sector data in a reusable form empowers others to use the data for new and exciting purposes (data innovation), to the benefit of the economy and society, while taking full account of the importance of cyber security and privacy.

**Actions**:

13. Require all public sector organisations to develop and implement their own Open Data publication plans. (Evidencing a baseline 3\* format by 2017) and support citizens to re-use and re- interpret this data to support their communities

14. To launch an open data platform to publish the data behind Scottish Official Statistics so that it is discoverable, accessible and reusable.

15. We will make the use of surveillance in Scotland more open by bringing together relevant information (legislation, Codes of Practice, reports on oversight / use of powers, information about safeguards) in a single, publicly-accessible portal.

16. Public bodies will publish contract award information on Public Contracts Scotland.

17. We will develop international business interoperability standard for public procurement in Scotland.

18. Pilot an open data approach to budget information to complement participatory budgeting at local and national levels. (Action yet to be agreed)

19. We will test out approaches to develop greater ownership by citizens over their own data. This will include pilots where citizens get to decide with whom they share their data.

20. We will develop the Health and Social Care Data Integration and Intelligence Platform with and to include services provided by the third and Independent sectors along with other Information to support planning of care with and for local populations; and to work with data-controllers to ensure that all of the (non-personal) outputs for all Partnerships are made generally available, on a labelled basis, In a discoverable, accessible and reusable format.

**Commitment**: To open up more publicly held data to many more citizens in a form they can use to innovate and empower themselves and their communities.

**Theme 5**: Public Accountability (Government Accountability to the Public)

**Challenge**: Ensure Government is more accountable to citizens

**Context:** On a national and international level, Scottish Government tracks and proactively publishes the Nation’s progress against a broad sweep of performance indicators through Scotland Performs. The data sets that support that system will also enable the development of a framework to track progress against the Sustainable Development Goals.

There is also a need to take a balanced approach to improving the accountability of our vital institutions, such as the justice system and courts as well as for outsourced services.

A modern political system needs people and organisations from outside government and parliament to take the time to speak to and inform people about public policy. Some people and organisations may be paid as professionals to do so on behalf of others, representing either collective or individual interests. It is important for our democracy that this critical function is open and transparent and is protected from suspicion or misuse.

**Actions**:

21. The development of a robust framework which enables Scotland’s progress towards the Sustainable Development Goals to be driven and measured meaningfully.

22. To update and improve the national indicator set in the National Performance Framework we will produce a refreshed indicator set which takes account of improved data availability and addresses the key gap areas by Spring 2016.

23. We will review and improve reporting on Scotland’s human rights treaty obligations.

24. We will develop Open Contracting Strategy, to ensure that the public can identify who is delivering government contracts including contract management and performance reporting mechanisms

25. To introduce modern civil and criminal case management systems into Scottish courts, moving away from paper-based processes, minimising duplicate data and allow SCTS to transact business electronically with court users.

26. Publish an annual report setting out how the Scottish Courts and Tribunals Service carries out its functions. The report is made available to the Scottish Parliament.

27. Bring forward and implement legislation in the Scottish Parliament to establish a publicly available register of those who lobby MSPs and Ministers to make public external influence on government and in Scotland, keeping bureaucracy to the minimum required to ensure public trust without preventing engagement in our democracy.

**Commitment**: **For Scotland to be a leader in safeguarding trust in our democratic processes and institutions**

**Theme 6**: Technology & Innovation

**Challenge**: To harness technology to build the capacity of citizens to participate more directly in the decisions that affect their lives.

**Context**

Technology is fast becoming an essential tool to participate fully in our society and democratic processes, but the pace of change leaves far too many people behind. If we want more people to be empowered to participate in Scottish society, then we will need to invest in the capacity of more of our citizens to participate through technology in the decisions that affect them.

**Actions**:

28. As people have improved access to information, the question of what to do with it becomes important. We will seek to engage citizens in the co-production of new digital and non-digital ‘information use’ services , training and tools .

29. Open government rests heavily on digital tools and services – yet for many use of digital tools is problematic or impossible. We will address this through developing standards for Digital Input, Direct Digital and Enhanced Digital to ensure all citizens can participate in digital open government platforms and channels

**Commitment**: Explore & develop new ways to harness technology to improve our democracy

**Comments and suggested changes to Doreen Grove at** **Doreen.grove@scotland.gsi.gov.uk**