Your right to know?

The future for transparency in England

Contents

The Centre for Public Scrutiny

The Centre for Public Scrutiny (CfPS), an independent charity, is the leading national organisation for ideas, thinking and the application and development of policy and practice to promote transparent, inclusive and accountable public services. We support individuals, organisations and communities to put our principles into practice in the design, delivery and monitoring of public services in ways that build knowledge, skills and trust so that effective solutions are identified together by decision-makers, practitioners and service users.

Executive summary

This report sets out our thinking about transparency in public life and ways to meet its objectives now and in the future. The report defines some key terms as follows:

- Open data – quantitative and qualitative information freely available to be used and reused in different formats, which can lead to;

- Transparency – openness about decision-making processes and the culture, values and assumptions that underpin decisions, which can lead to;

- Accountability – allowing others to judge credibility of decisions and policies. Sometimes a formal sanction can be associated with poor performance or non-compliance[1].

Further thinking about transparency and accountability is in our policy paper "Accountability Works!" (2010).
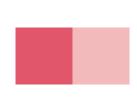
Transparency is often thought to be the same as "open data", and regarded as an end in itself. To understand what it can achieve it is necessary to set out some basic objectives. We think that transparency can help to:
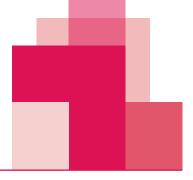
- **Mitigate risk** by opening-up policy-making, assumptions can be challenged constructively and potential risks reflected more accurately;

- **Facilitate choice** where people can use information and data to make informed choices;

- **Control expenditure** and add value by coupling information to mechanisms for accountability to minimise corruption and measure value;

- **Promote democracy** through easy access to data and information that encourages participation.

Our work has highlighted that:

- Transparency makes decisions better, by opening up decision-making to the input of a wider range of stakeholders;

- Transparency is disjointed because approaches to the very different concepts of transparency, open data and accountability are often conflated, and organisations take different cultural and procedural approaches to what transparency means to them. Shared standards for recording information and linking data up across boundaries can help;

- Transparency is complex because data is used in different ways by different people but "pushing data out" won't necessarily result in more transparent services. Understanding this complexity is vital to bringing data to a wider audience;

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1   Bovens (2006)

- Transparency is cultural, underpinning everything an organisation does rather than being an add-on extra that only has marginal benefits, or something that organisations do only because they are required to do by law.

- Transparency is about dialogue and collaboration. Focusing on transparency that is reactive – responding to requests for information – risks creating one way streets. A landscape in which easy comparability between different institutions and different sectors is hard without shared standards in the way that data is presented.

- Transparency is difficult if the tensions between the different purposes or objectives of transparency are not recognised. Pushing information out, "technology" or statute may not solve the problem.

Our principal finding is that open data does not on its own ensure accountability. Commissioners and providers of public services need to also encourage participation in decision-making through collaborative approaches to transparency. Using data primarily to support choice risks missing the wider benefits of collaboration. Simply publishing more data limits the impact of transparency on decision-making. Without collaboration and co-production, data users will have no effective means to influence decision-makers. The practice of transparency will not live up to the promise. We think a common approach to transparency can be based on the following principles:

- publication of data may not lead to better outcomes from services or automatically improve governance but transparency linked to accountability can improve commissioning, delivery and outcomes;

- transparency linked to participation in decision-making can increase public trust by involving a range of people and groups about the way decisions are made and the way information is provided about discussions;

- a combination of reactive transparency (through Freedom of Information (FOI)), targeted transparency (through prescribed performance information) and collaborative transparency can support "knowledge-rich" communities;

- collaborative transparency can improve collection and interpretation of data and information in local contexts. Common standards for recording data can support comparability of outcomes for local people.

Introduction

"But Mr Dent, the plans have been available in the local planning office for the last nine months."

"Oh yes, well as soon as I heard I went straight round to see them, yesterday afternoon. You hadn't exactly gone out of your way to call attention to them, had you? I mean, like actually telling anybody or anything."

"But the plans were on display …"

"On display? I eventually had to go down to the cellar to find them."

"That's the display department."

"With a torch."

"Ah, well the lights had probably gone."

"So had the stairs."

"But look, you found the notice didn't you?"

"Yes," said Arthur, "yes I did. It was on display in the bottom of a locked filing cabinet stuck in a disused lavatory with a sign on the door saying 'Beware of the Leopard'."

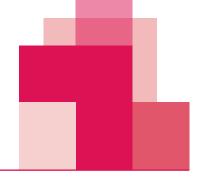**Douglas Adams, The Hitchhiker's Guide to the Galaxy**

Transparency is a significant theme in public life and impacts on the relationship between citizens and the state and wider aspects of society. It cuts to the heart of democracy, reflecting the ability of informed electors to decide who can best represent them, based on information about how public services are run now, how they were run in the past, and how they might be run in the future. It is also central to the ability of citizens to participate in decision-making between elections. Recent Government policy has emphasised the use of data to support "choice" as a way to influence delivery of services.

We explored some of these issues in our 2010 policy paper, "Accountability Works!". Since then, public service reform has accelerated and delivery of services is spreading across a diverse range of providers. Transparency will be increasingly important in evaluating and improving experience and outcomes especially in the context of future commissioning arrangements.

This report considers current practice in planning and delivering public services, in providing and interpreting data from a range of sources and by a range of people, focusing on local government, health and education. It considers common challenges to the provision and use of data and explores practical approaches to transparency in the future[2].

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2   For reasons of brevity this paper does not look in detail at the international context for transparency. This paper does not examine rights of access to personal data under the Data Protection Act 1998 and associated legislation.

The objectives of transparency

To establish how transparency can be more effective, we need to agree some objectives by considering two fundamental questions:

- Why are transparency, data and accountability different?

- Who are the audience for public information?

Transparency is often considered a "good thing", but exactly what it means and how it works in practice is infrequently explored[3]. Definitions tend to be based on truisms[4] or general statements about accountability to citizens and taxpayers. This risks misunderstanding its value to democracy, public sector reform and public life. Transparency is often confused with concepts of open data and accountability. We think clarity about what "transparency" really means is important.

Open data is information which anyone can use, for any purpose, at no cost, available in a standard, structured format, consistent over time, so that people can work out whether to trust it[5]. Open data is about pushing information out, usually for others to analyse, and for links to be made by these third parties between different datasets. Open data can be used for transparency (getting a better idea of what is happening inside government), developing closer relationships between commercial organisations and customers in relation to government services, improving commercial activities outside government and efficiency (in terms of savings made by comparing data to find savings opportunities, and reducing transaction costs around requests from the public for information)[6]. There are cultural aspects to open data but these relate to how information is presented, as well as how it is used.

Transparency is about the culture, attitudes and practices underpinning how data is released and can be "opaque" or "clear"[7]. Opaque transparency does not reveal how institutions make decisions or their outcomes. Clear transparency can support change through accountability[8], through information about experience and outcomes.

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3   Hazell (2009, 31), Cain (2003, 117), although comments in those two studies focused on freedom of information.
4   For example about 'sunlight being the best disinfectant', a definition which retains currency 100 years after it was first stated (Brandeis: 1913)
5   These definitions are taken from the website of the Open Data Institute, the organisation tasked by the Government to assist in opening up, and making use of, official data. Another definition is provided by LinkedGov – "Open data is non-personally identifiable data produced in the course of an organisation's ordinary business, which has been released under an unrestricted licence"
6   These four uses from Beeman (2011)
7   Fox (2007, 667-8)
8   Hunt, in Chapman (2006, 44); see also Birkinshaw (2010, 71)

Case study 1 – Code of Practice for Local Government Transparency

This sets out expectations of the ways in which councils will publish the salaries of senior officers and expenditure over £500. The Code is to become statutory. There was some resistance in local government to this measure, although all councils now comply with it.

The Code is an example of "opaque transparency" – official information which reveals nothing about the way organisations are actually run. Many councils take a compliant approach, publishing spreadsheets of data which on their own don't inform judgments about the value of expenditure, policies or spend by other agencies. Government envisages that councils will produce more linked data which developers and the public will be able to use to produce more "knowledge-rich" information but this has not happened yet.
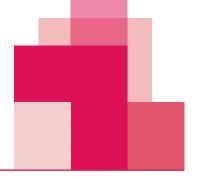
Transparency measures can be further divided into three types[9]:

- Reactive transparency – information is published only on request (FOI);

- Targeted transparency – publication based on centrally-set standards around consistency and data quality (like league tables and performance data);

- Collaborative transparency – service users contribute to enhancing and building on official data in real time.

The final type could be considered "active" transparency where data is created and owned by a wide variety of stakeholders. It is arguably a more fundamental development of the vision of the Government Digital Strategy for the use of open data by developers.

"Targeted transparency" is intrinsically bureaucratic. This is because in order to provide comparable information and to assure a level of data quality[10], detailed rules need to be set out about exactly how data is to be collected and reported[11]. This suggests that there is, or should be, a "single version of the truth" – a definitive set of data that provides a comprehensive and authoritative picture about a given service. By extension, it suggests that any other source of data is unreliable, irrelevant or unnecessary – because the single version of the truth tells you everything you need to know.

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9   Fung (2004)
10   Data that is reliable and accurate.
11   See case study 2 (p.8)

Case study 2 – Comprehensive Area Assessment (2008-2010)

The Audit Commission formulated and carried out a "Comprehensive Area Assessment" (CAA) covering a range of services in England. CAA was abolished after the first cycle of assessments were complete in summer 2010, following the change of government.

Part of CAA was the National Indicator Set (NIS) – a comprehensive suite of indicators intended to provide an accurate picture of how, and to what standard, public services were delivered. The idea was to use this indicator set to enable detailed comparisons between organisations[12].

The NIS, and CAA, was designed to be more proportionate, targeted and relevant than its predecessors[13], but relied on methodologies with which some organisations disagreed. Data was collected and analysed, and plans put in place to improve performance, but there were disputes about the extent to which those metrics accurately reflected people's experiences – especially where expectations of services were different across areas. Improvement, for some, became more about getting better NIS scores than engaging in a dialogue with the public about service delivery and experience. It was easy for organisations to disregard data that contradicted indicators in the NIS on the basis of a lack of data quality or that it was "anecdotal".

Case study 3 – Sector self-regulation: LG Inform

The Local Government Association (LGA) has developed a model for local government to regulate itself. LG Inform was created to collect and share information about councils' performance, based on the information which councils are obliged to submit to Government in the form of the Single Data List[14].

Because LG Inform is owned by the local government sector it is more likely that the information it collects will accurately reflect local people's needs and aspirations, within the context of a broadly comparable national measurement system. While LG Inform is currently available as a tool to professionals working in the local government sector only, in 2013 it is being opened out to public access. The question remains of how the public will be able to use this information to hold councils to account for decisions and outcomes.

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12 CAA National Framework (Audit Commission, 2009)

13 In particular, Comprehensive Performance Assessment and associated inspection systems associated with the Best Value regime.

14 "Single list of central government data requirements from local government" (DCLG, 2012) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15039/Single_data_list_-_march_2012.pdf

"Collaborative transparency" takes almost the opposite approach. It is potentially about taking ownership of data away from those who produce the information (decision-makers) and allowing a range of other actors to interact with it, and to enhance it – to make it more "knowledge-rich"[15].

This directly intersects with the Government's wish to see private organisations add value, and richness, to public data by analysing it in different ways and applying different filters to it[16]. The Government expects that developers will be able to make money from their own use of data by producing popular platforms and tools which others will use to engage with it (on the understanding that the raw data itself must always be free to use)[17].

There is a risk, however, that such developer-led approaches end up producing proprietary systems that are not responsive to the needs of the varied audiences who might wish to use them. It is not unreasonable to expect that developers, operating in a market for a given audience, would be flexible in their approach to meet different needs. But doing this requires a detailed understanding of who the audiences being served are. This is not a simple exercise. We will go on to explore this issue later[18].

Accountability is not the same as transparency. A transparent public service or organisation is not necessarily an accountable one[19] (although an organisation whose approach to transparency is "clear" is more likely to be able to demonstrate credibility).

Accountability can be divided into two forms – the "soft face" of answerability[20] and the "harder" face of answerability backed up with sanctions[21]. Knowing "who did what, and why" is the "first step" to rendering an institution or person accountable – not the only step[22].

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15 The LGA, in their evidence to the investigation into transparency carried out by the Public Accounts Committee, referred to a "knowledge-rich" information requirement where contextual information provides vital background without which official information would be essentially meaningless – Transcript of Oral Evidence, 23 May 2012, at Q2.
16 This has been pioneered in England by websites such as OpenKent.org.uk.
17 The Open Data Institute has been exploring how this might happen; the Cabinet Office is releasing a Developer Engagement Strategy which is expected to go into more detail on how open data might be monetised in such a way that does not constrain the availability of the raw data itself ("Open Data White Paper", p17)
18 See "Who is the audience?" overleaf
19 Hunt, in Chapman (2006, 44); see also Birkinshaw (2010, 71)
20 Fox (2007, 667). The right to seek answers from decision-makers, and the responsibility for decision-makers to provide those answers. There are sometimes sanctions associated with such accountability but, importantly, it relates more to process, rather than seeking to change or account for decisions themselves.
21 We investigated the nature of accountability in more detail in "Accountability Works!" (2010).
22 Birkinshaw (2010, 71)

Accountability requires active transparency – an approach whereby information is automatically produced in a usable format, without being specifically requested. This could be a big challenge – it makes assumptions about how that data will be used, by whom and why. It requires an element of political and statistical literacy on the part of those using the data as well. And it of course requires the data-holder / decision-maker (assuming that they are the same person) to be open to that data being used to hold them to account. We will go on to this cultural challenge around targeted, and collaborative, forms of transparency in the next section.

Who is the audience?

As we noted above, when data is produced and presented, there is often an audience in mind. Who will be using the official information that a transparent organisation provides, and for what purpose? It is only by considering the issue of "end use" that we can set out some objectives for transparency as a concept that connects to these needs.

The Government considers that "armchair auditors" will be a primary audience[23], playing an important role in holding Government spending to account. Equally, it considers that developers, such as the Open Data Institute (ODI) will be a key audience, interpreting data to give it context for a wider group of people (the issue of context is one to which we will return later). But there are undoubtedly others – a multiplicity of individuals, groups and organisations each with separate interests in looking at, and using, official information.

Audiences' different needs will overlap, and may come into conflict. It is difficult to see how a data-holder could publish information in such a way that would satisfy all potential audiences without that information becoming overwhelmed with extensive contextual commentary. Assuming, therefore, that a "one size fits all" approach for public data is appropriate is unlikely to work. Such an approach could lead to the publication of a mish-mash of unrelated data, released on the assumption that people will be able to dip in and pick out relevant information.

23 In one of his first speeches on the subject on gaining office, David Cameron said, "With a whole army of effective armchair auditors looking over the books, ministers in this government are not going to be able to get away with all the waste, the expensive vanity projects and pointless schemes that we've had in the past." (PM's podcast on transparency, 29 May 2010, transcript at http://www.number10.gov.uk/news/pms-podcast-on-transparency/). It should however be noted that that the Open Data White Paper does not use the phrase "armchair auditors".

Your right to know?

Since 2009, a variety of partners working at local level (local government, schools, criminal justice and community safety agencies, the health services, the voluntary sector and others) have been piloting approaches to share expertise and knowledge to tackle specific local issues. Before the general election, the Total Place programme looked at a variety of means to work together to improve outcomes[24] – since 2010, the focus has been on different organisations working together to tackle the problems posed by so-called "troubled families"[25].

Community budgeting requires the accurate and timely sharing of detailed information across partnerships. This is not just about sharing raw data – it is about using information to explore existing approaches to tackling problems. Partners should be challenging each other's approaches and assumptions to build a more comprehensive, cross-agency response to these issues which takes account of a far wider range of external factors.

Here, access to a comprehensive range of information – backed up by the sharing of budgets and staff – creates a more profound understanding of where local needs are. Different sources of data can be used to triangulate current approaches and to evaluate new solutions in a far more accurate way.

The Government Digital Strategy (GDS) and the Open Data White Paper, have recognised this fact[26]. Developers will be able to take raw data and "mash" it to provide a more accessible picture to end users. In this way, data will be mediated not by Government but by third parties, who will be focused on the needs of end users[27]. The ability of different datasets to be linked together is crucial to this aim.

This approach does depend on the kind of data that is collected in the first place. At the moment, the GDS focuses on transactional services delivered by central Government departments[28] (there are some important actions on open policy making too, which we will cover elsewhere[29]).

In both the GDS and the White Paper, Government envisages a surprisingly traditional form of information gathering and dissemination, where Government decides what information should be collected. This includes process data such as cost per transaction, user satisfaction (which in any event is notoriously slippery as a concept), transaction completion rates and take-up levels.
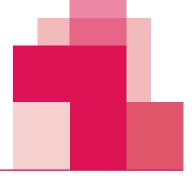
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24 CfPS (2010c)
25 https://www.gov.uk/government/policies/helping-troubled-families-turn-their-lives-around
26 Government Digital Strategy, Action 13; the White Paper reiterates 2010's Public Data Principles, numbers 5, 6 and 7 particularly relate to this issue.
27 Public Data Principles, number 12
28 Government Digital Strategy, foreword
29 See case studies 6 and 7, p.19

Measuring processes can be useful but as we have stated in previous research[30] processes cannot be used to hold decision-makers to account on delivery and outcomes. Furthermore – in the strategy, at least – there is no clear indication of how a range of stakeholders might be able to hold Government to account where data suggests that a service is failing. Neither is there any indication that the way that the data is collected, or how the data is categorised, could be improved through public input. It is still a managerialist, top-down approach that, in presenting high-level information in a defined and controlled way (justified by the need to compare datasets), pushes away other interpretations and evidence in favour of a "single version of the truth."[31] It envisages a single audience and a single approach to data analysis.

Developers are being encouraged to mash data in such a way that makes it relevant to different audiences (where the original source data may present a more comprehensive picture of performance than what we have described above). However, in trying to compartmentalise audiences in this way, there will inevitably be those who feel that their needs are not being met. In effect, rationalising the needs of audiences in a top down manner – or even based on perceived demand, by developers who may well be more inclined to mash data in a way that will prove more profitable to them. This may produce tensions in the way that data is published and presented.

The approach taken in the GDS is about how digital services can enhance efficiency, rather than seeing transparency as an engine for democracy. Below, we will look at use of data in more detail, and use that insight to establish what the objectives of transparency might be.

What transparency can, and should, be doing: formulating some objectives

In previous research we have noted that good governance is about culture[32]. Transparency, as a component of good governance, requires that decision-makers opt to be more open, inclusive and accountable. This helps them to work better, because it decreases risk, because it ensures that the services that they deliver end up more accurately reflecting users' needs, and because decisions are opened up to the scrutiny of the public, and other organisations[33]. This is what we mean when we talk about a "culture of transparency"[34]. Any objectives to help us to explain what transparency is "for" will have to reflect this cultural dimension.

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30 CfPS, 2010a
31 See case study 2 (p.8)
32 CfPS, 2010b
33 This is a principal objective for freedom of information, and wider transparency, set out by a number of academics including James, in Chapman (2006, 17)
34 Stan (2007), suggesting that transparency is a critical component of institutional design.

Transparency is about having a positive attitude towards opening up decisions and decision-making to public scrutiny. It is this mindset that distinguishes an organisation that publishes what it is required to publish, and no more, from one that engages openly with its partners and those to whom it provides services, using data from a range of sources to help it to improve[35].
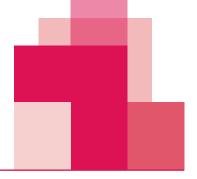
An organisation that culturally accepts transparency as an integral feature of how it makes decisions will act openly to better understand what its users/clients/customers require, and to bring about improvements to the services it provides as a result. This is an argument that suggests that transparency has practical benefits on the ground.

This focus on outcomes is the basis on which we have started our research – and it is a definition that we will refine later in this document. It is based on the understanding that meaningful transparency has been slow to emerge in the UK, and that this is primarily due to cultural reasons – principally, a lack of understanding of transparency's practical benefits. Indeed, it has often been said that Britain labours under a "culture of secrecy"[36]

There have been recent attempts to tackle this cultural challenge. For example, the Government's approach to transparency since 2010 has seen an acceleration in efforts to promote the use of official data to facilitate choice[37]. Some have seen this as the most important reason to open up services, and have considered that "citizen-consumers", as we might term them, are the principal audience for public data.

An approach to transparency that focuses mainly on the use of data for competition and choice is an approach that has clarity and simplicity, but we do not consider that it tells the whole story. There are three principal reasons for this:

- This approach focuses on the "provider-consumer" relationship without recognising the other ways that different bodies, agencies and individuals relate to each other in delivering services[38 39];

- This approach also mixes up open data, transparency and accountability, assuming that they are all the same thing (or, if not, that they naturally lead to each other)[40];

- This approach ignores the significant cultural challenges which exist around open data, transparency and accountability[41].

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35 Hazell (2009, 35)
36 Ibid
37 Although see Hood (2004, 198), suggesting that such moves could have led to a decline in competition or choice in some areas.
38 CfPS (2010b). We consider that the various mechanisms of accountability include choice and the market, regulation and inspection, elections, the press, complaints and redress, management processes and formal non-executive activity.
39 Birkinshaw (1991, 279) highlights the complexities arising from a mix of public and private actors delivering services.
40 CfPS (2010b); see also the section above on definitions.
41 Birkinshaw (1991), Birkinshaw (2010)

The wider literature does, however, present us with a much broader range of potential objectives for transparency, although some of these are expressed in the context of freedom of information (which is a narrower concept than that of transparency). The following list is derived from a range of these sources[42]. We have divided these objectives up into process objectives (i.e. making systems work better) and outcome objectives (i.e. making systems produce the right results).

The process objectives are to:

- Help those receiving public services (as customers or clients) to actively hold to account those making decisions on their behalf – through the exercise of choice or more traditional mechanisms;

- Help others, whether or not they work in public sector bodies, to understand the performance and priorities of their partners, so that they can better plan and co-ordinate their services in response;

- Help those with formal scrutiny and accountability roles – such as council scrutiny, Healthwatch and Monitor in the health service, and governing bodies in schools – to fulfil their duties.

The outcome objectives are to:

Mitigate risk in policy-making (by giving decision-makers a range of different perspectives and a range of sources of evidence which can be used to support particular policy decisions).

Transparency can:

- ☑ **Help public bodies to more meaningfully engage with their stakeholders on big decisions;**

- ☑ **Use that engagement to produce policies and make decisions that are more robust and resilient;**

- ☑ **Contribute to a "no surprises" approach to policy-making, which can itself help to mitigate risk.**

Risk is one of the most important, yet most misunderstood, aspects of making policy. An understanding of risk is fundamental to an understanding of the probity of decision-making, and in holding decision-makers to account.

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42 James, in Chapman (2006), Hazell et al (2009), Birkinshaw (2010), Hood (2004), Comptroller and Auditor General's definition in evidence given to the Public Administration Committee, Open Government White Paper (2012), UK Government Public Data Principles

Being transparent about risk can enable decision-makers to evaluate the risks in a proposed decision using the opinions of a wider range of stakeholders. These stakeholders might be able to provide insights not available to those in the organisation, meaning that risks unknown to decision-makers could be flagged up. A process of transparent policy-making could also result in the impact and likelihood of selected risks being upgraded or downgraded.

While it is unrealistic to expect that there will be agreement between decision-makers and others on risk, impact and mitigation, dialogue can help to explore the issues and make the approaches eventually taken by decision-makers more robust.

This objective is challenging. It requires cultural change, and some understanding about where the limits lie of necessary secrecy around policy-making. We will consider this in later sections.
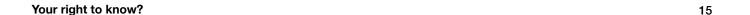
Facilitate "consumer" choice and enable the creation of robust markets, by allowing people to use data for other applications.
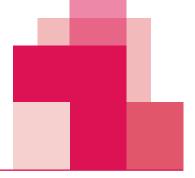
Transparency can:

☑ **Ensure that citizens can act as informed consumers, where they have a choice of services;**

☑ **Encourage the creation and maintenance of level playing fields where markets exist;**

☑ **Provide a means for external developers to "mash", and provide context for, information – leading to interesting and independent conclusions which may reveal new truths about performance.**

For the current Government, transparency is central to the notion of the citizen as an informed consumer of public services. This idea has found its way into a wider range of public sector reforms in the last few years.

The principal challenge is the usefulness and comprehensiveness of available data. In education and health, Ofsted and Care Quality Commission (CQC) data are the primary sources of information for people trying to make an informed choice. In local government, meaningful choice does not generally exist, beyond some limited areas such as personalised social care budgets (which will also be subject to CQC findings). Inspection reports by these regulators may not be the kind of documents with which service users will want or be able to engage with.

Case study 5 – choice in healthcare: choose and book

Launched in 2005, "choose and book" aims to provide a choice to NHS patients as to where they are referred onto by their GP. This is a choice that they can exercise alone or in consultation with the GP, or the GP can take the decision for them.

Since 2008, people have been able to choose to access services at any hospital of their choice, and this right has been backed up by a comprehensive online tool, which allows for detailed comparison. Users are presented with a table which provides a combination of CQC scores for certain outcomes (such as MRSA, CDiff outbreaks, medical outcomes and so on), opinions of patients (more recently enhanced through the introduction of the "friends and family" test), and opinions of staff.

This presents an example of data collected collaboratively being blended with official inspection information to present a reasonably comprehensive picture of performance. Data is presented in tabular form to permit easy analysis. However, Choose and Book rests on the assumption that choice exists in relation to a certain service which, for specialist services or in rural areas, may not be the case. It also assumes that people are able and willing to use the system to make decisions about their care (early target dates for 90% of referrals to take place through Choose and Book by the end of 2006 were later abandoned).

Where data holders and consumers consider that particular kinds of information will be useful to them in exercising choice, the way that data is published will need to reflect this (noting what we have said earlier about the uses made of data by different audiences).

Again, this provides opportunities for collaborative transparency. A core list of data or metrics, which consumers can overlay with richer, qualitative information and feedback from other users, provides the nuanced and dynamic information which people will need to exercise choice effectively.

The contractor-provider split in much service provision, however, makes the practice of transparency and accountability more complex, raising the risk that measures introduced to enhance consumer choice and increase accountability may be "gamed" by decision-makers who lack a real ownership of them[43] . There are mixed views about the success of choice-based mechanisms in improving either transparency or accountability, or by extension the performance of public services themselves[44] .

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43 Birkinshaw (1991, 278-279)
44 Hood (2004: 198)

Your right to know?

Control expenditure and minimise corruption through accountability[45]

Transparency can:

☑ **Dissuade people from misusing or misappropriating public funds, either for personal benefit or through poor-quality procurement or decision-making that leads to outcomes that are not value for money;**

☑ **Provide a means for the public to understand the financial impact of major decisions before speaking to decision-makers about those decisions;**

☑ **Use financial data as a foundation on which a range of other sources of data and information can be built.**
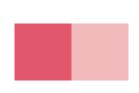
This is often cited as one of the central objectives of transparency[46]. The argument is that transparency, by placing information on spending in the public domain, provokes decision-makers to drive costs down because it allows "armchair auditors" to challenge spending.

There are two connected issues here. The first is to do with the use of the word "audit". The second is to do with the mechanisms in place to allow "armchair auditors" to influence spending as a result.

Audit is often seen as a means to ensure financial probity and to control spending in the narrowest sense (i.e. looking at spending divorced from the context of the impact that it has on a given service).

However, using just expenditure information for this purpose will not be helpful. It can demonstrate on what money is spent, but it cannot explain why, making probity very difficult to ascertain. The impact and outcomes of decisions can also not be ascertained by looking at expenditure data alone. FOI is unlikely to help here, as an increasing number of decisions, especially those which relate to live commissioning exercises, will be covered by commercial confidentiality[47].

Context is important – not the context provided by explanation, but the context provided by other raw data. Principally, this contextual data will comprise performance and risk information. Information on outcomes will also be critical, allowing end users to effectively triangulate the financial data.

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45 Articles 10 and 13 of the UN Convention on Anti-Corruption
46 Organisations such as Transparency International (TI) have a particular focus on this objective.
47 See case studies 8 (p.22) and 9 (p.24)

Serve democracy (by helping electors to make accurate judgments as to whether politicians have succeeded in meeting the goals they set at the beginning of the previous electoral cycle, for example)[48] .

Transparency can:

☑ **Develop a wider understanding amongst the public, and others, about how and why decisions are made;**

☑ **Make it easier for campaigning groups to engage with the political process to bring about change;**

☑ **Move debate on contentious issues to an earlier point in the policy cycle, making change more likely and minimising the risk of time being wasted on options which later turn out to be unworkable.**

This is about the engagement of citizens in the democratic process, and enabling them to understand how and why decisions are made on their behalf.

Hazell in particular has made a gloomy assessment of the situation, saying that "FOI has had very little impact on public understanding of government decision-making"[49].

Of course, this relates to the reactive approach of FOI, which focuses on what a requester wants. If a requester does not have an understanding of how policy is made, they are likely to ask for a wide range of irrelevant information which will not help them to understand the process of policy-making[50].

While FOI alone may offer minimal gains in public understanding of decision-making and "engagement in democracy", targeted and collaborative forms of transparency may do – and they may permit people to engage in more open policy-making, using systems that are designed to be transparent and accountable. These forms of transparency are about creating a wider conversation with people.

However, we think that this approach is likely to engage most effectively campaigning groups and professionals, rather than the general public (see case study 7).

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48 Universal Declaration of Human Rights (Article 19); International Convention on Civil and Political Rights

49 The work featured as a case study in research by the Institute of Government – see Rutter (2010)

50 https://www.gov.uk/government/policies/making-the-planning-system-work-more-efficiently-and-effectively

Your right to know?

Case study 6 – open policy making: the Civil Service Reform Plan

The Civil Service Reform Plan has stated that "open policy making should become the norm". It envisages two means of doing this – openness through collaboration (an open-source wiki will be used to develop new guidance for the Freedom of Information Act, for example) and openness through contestable policy making. The matter is about opening up the policy development process to input from external sources.

Although the Government's approach focuses on the merits of co-production and co-design, this will happen within defined parameters. Open policy making poses challenges for traditional models of representative democracy, and the Government does still envisage some "safe space" for initial policy proposals to be developed – essentially, allowing Government to frame the debate.

Such proposals also envisage an enthusiasm amongst the public to engage with such open processes. While the policies may be co-designed with other people, the process itself will not be (the Reform Plan's "most collaborative" approaches clearly indicate that even these will involve significant control and responsibility sitting with Government). In this context, it remains to be seen whether any more people will engage with such processes than already engage with more traditional Government consultations.
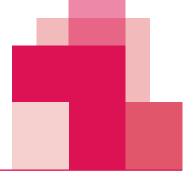
Case study 7 – open policy making: the National Planning Policy Framework (NPPF)

The complex process by which the NPPF was developed in 2010, included innovative approaches taken by the Department for Communities and Local Government (DCLG) to involve a range of voices in what was a contentious exercise[51]. The intention was that the new NPPF would be a much shorter document than the one developed in 2006, although it still needed to reconcile competing interests. DCLG established a "Practitioners' Advisory Group" (PAG), which aimed to reflect those interests in its composition, and which produced a report which heavily influenced the Government's approach.

It is interesting to see the development of the NPPF described as an example of innovative, open policy making. In reality it seems more like an exercise in engagement to mitigate risk (our first objective) rather than one to enhance the engagement of a far wider group of people in democracy. The PAG was used to manage significant difference over policy and was successful in that sense, but it is difficult to describe it as an example of "open policy making" – the body was made up of professionals, selected by the Government. As the Institute for Government (IfG) report concludes, "more open policy making is not necessarily more transparent to the public"[52].

51 Rutter (2010, 31)
52 Hazell (2009)

These objectives are all based on assumptions about the preparedness of organisations to be held to account using public data – assumptions that may not hold true everywhere. However, our proposals demonstrate the potential for an organisation, or area, where the principles of transparency are embraced.

Success in achieving these objectives hinges on an understanding of:

- who is trying to access public data and for what purpose, and

- whether such use has a positive impact on the information holder and the information requester, in terms of securing tangible and constructive outcomes from the process of holding to account.

This requires mechanisms to exist to translate open, public data into systems that allow accountability to be exerted. By this, we mean that there must be a way for the users of data to use it to effect change or to influence a decision about services. After considering the challenges around transparency (in the next section) we will return to this point and explore it further.

Getting around the challenges

Some of those driving forward plans for increasing transparency have identified culture as important[53]. However, we do not think that its fundamental impact on the success or failure of moves to increase transparency has been adequately addressed.

Below we set out some common cultural criticisms of transparency measures, and explore ways round them.

"It's risky. Collaborative transparency sounds great, but we need a safe space for thinking about future policies, and an approach to collecting and disseminating public data that ensures data quality. The danger is that some unrepresentative groups will shout loudest and decision-making will become skewed or a free-for-all."

"Co-production" of policy through open policy techniques[54] and the amendment of official information through collaborative approaches will always look risky because it takes control away from decision-makers. Decision-makers have valid reasons to not want to open up policy-making to everyone in a completely unrestricted way – decision-making processes are designed to allow professionals to weigh up options objectively, and for final decisions to be made by democratically accountable politicians or others with clear responsibility and accountability.

It has also been said that the opening up of decision-making to public scrutiny has had a "chilling effect" on civil servants[55], making them disinclined to offer full and frank advice to Ministers for fear that such advice will embarrass Ministers, the department and the Government.

While the existence of the "chilling effect" has been disputed (the academic consensus is that its influence has been overplayed[56]), by its very nature the genesis of new policies and ideas happens through private discussions in individual organisations. It would be unreasonable to expect that any and all policy ideas – however vague and general, and however unlikely they were to be implemented – should be thrown open for comprehensive discussion. Policy-makers do need the time and space to develop clear rationales for key decisions. Doing this ultimately helps transparency, by making it clearer what the objectives of a proposed policy are, the impacts that the organisation expects it might have, and so on. But once that framework has been established, wider involvement becomes more attractive and, in many cases, necessary.

In this context, a "safe space"[57] for private discussion is difficult to argue against – so long as that space is clearly defined and justified.
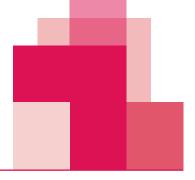
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53 Notably the Government in the Open Data White Paper
54 See case studies 6 and 7 (p.19)
55 Evidence given to the Justice Select Committee by Sir Gus O'Donnell, 27 March 2012
56 Hazell (2009)
57 Such a safe space is specifically provided for in the Freedom of Information Act, under the s36 exception (prejudice to the effective conduct of public affairs)

Many consultations – especially by central Government – thus remain tightly-controlled and choreographed exercises, despite recent changes to the style and nature of Government consultations[58], and despite exhortations in the Government Digital Strategy that open policy-making is a valuable exercise[59].

Engagement in policy-making from a range of stakeholders moves the approach to transparency from the often opaque, reactive, traditional consultations to a more open, collaborative process. Following the Government's own theory[60], this helps to improve the decisions which are eventually made, because more people with different perspectives and different levels of expertise are able to bring these to the table, creating policy that is therefore more robust. Such open approaches can co-exist with a more private safe space for policy making, and safeguards can be built into co-production methods to ensure that a wide spectrum of views and evidence is properly considered as policies are developed.

Case study 8 – considering risk in policy-making: risk registers for health boards in Wales

The Welsh Government has required local health boards in Wales to publish risk registers, to assess the likelihood of each risk happening, the impact each would have if they did, and counter-measures that could be put into effect. This has occurred in the context of wide-ranging (and sometimes controversial) changes to NHS services in Wales, with the possibility of risk registers being used as a means to evaluate health boards' plans.

However, the Welsh Government has refused an FOI request from BBC Wales to publish its own corporate risk registers relating to national health policy[61].

Risk underpins most of what large public organisations do, and a risk assessment is integral to effective decision-making. The fact that risk registers contain a range of adverse possibilities, and raise the risk of failure, provides an obvious and compelling reason for decision-makers not to release them. For the Welsh Government they sit firmly within the "safe space" necessary for policy-making to be effective.

However, looking at risk registers after they have been developed can provide a retrospective analysis of what went wrong, or what went well, in a given policy, whether risks were accurately identified and mitigated, and an opportunity to feed that learning into future plans. Bringing in the perspectives of others makes sense, both in the interests of democracy and in the interests of making future policy work better, enhancing effectiveness and value for money.

58 The new Consultation Principles, and associated guidance, was published by the Cabinet Office in 2012
59 Government Digital Strategy, Action 14
60 As set out in the GDS
61 BBC News, "Welsh government corporate risk register publication row" 20 September 2012 http://www.bbc.co.uk/news/uk-wales-politics-19654240

Your right to know?
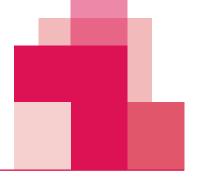
Practical steps to tackle this challenge:

- Recognise that a safe space does need to exist for policy-making, but that this space should be small;

- Recognise that having "many eyes" on a planned decision, and the risks and benefits associated with it, can be extremely valuable in making that decision more robust;

- Challenge the assumption that openness about policy options and decisions leads to a "chilling effect";

- Produce information about prospective decisions that allows those not involved in decision-making to challenge constructively the merits of the decision.

"Lots of what happens has to be exempt because of commercial confidentiality – otherwise, meaningful competitive bidding would be impossible. Secrecy at key points in the contracting process gives us, and the wider public, a better deal."

It has become common to build transparency into contracts – requiring contractors to publish information (usually relating to finance and performance), or to engage with service users in some way. However, even where it is accepted that services being delivered must be transparent, the competitive process by which services are commissioned often results in secrecy for commercial reasons. There are entirely valid reasons, such as financial probity in procurement, and the need to protect intellectual property rights[62], for secrecy here.

Equally it is possible to imagine a situation where service users take a much more active part in developing the specification for contracts. The next logical step – involvement in assessing bids and tenders themselves – might be seen as difficult because of commercial confidentiality. There are, however, ways to open up critical parts of the commissioning and contracting cycle, in particular as a way to deliver some of the objectives we have talked about around reducing risk.

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62 There are specific exemptions for commercial confidentiality both in the Freedom of Information Act, and in the Local Government Acts (relating to contracting by local authorities)

Case study 9 – transparency in commissioning: the NHS

The approach to the commissioning of services in the NHS is changing radically. From April 2013 the NHS Commissioning Board (NHSCB) has statutory responsibility for oversight of commissioning arrangements, which will be managed locally by Clinical Commissioning Groups (CCGs). The NHSCB has set out a "single operating model" for the commissioning of local services which aims to bring in comments and insights from patients and frontline staff[63].

The views of patients and the public will be sought to provide the evidence-base for the service to be commissioned; there will also be a role for the public and frontline professionals in monitoring the performance of commissioning arrangements, through Local HealthWatch and local representative committees (LRCs).

In "Towards establishment: Creating responsive and accountable Clinical Commissioning Groups" (2012), the NHSCB makes specific commitments around transparency, particularly on "early engagement" on commissioning plans.

The involvement of a wider group of people in making decisions about services has been built in to the new NHS commissioning arrangements. The challenge will be to identify those stages of the commissioning cycle where the input of the public, and other partners, will be most able to exert a positive impact, and to build systems around these processes. Linked data – discussed above – will make discussions of contract more in-depth, as assumptions are challenged and risk analysed. The insight of patients and clinicians will also assist in identifying the level and nature of service that people want to see.

Practical steps to tackle this challenge:

- Recognise that special steps will be needed to "build in" a supportive approach to openness and transparency in areas – such as contracting – where the tendency otherwise might be towards more secrecy;

- Recognise that systems must be built in such a way to maintain secrecy around bidding or the determination of successful bids (for example) but that a minimal approach to such secrecy should be taken, with information being withheld only where it is specifically required for legal and financial reasons;

- Recognise that, for bidding contractors (particularly those in the private sector or without a background of working with public bodies) there may be cultural uncertainty about transparency, which will need to be addressed as part of wider conversations about governance. Governance should be a central theme in commissioning and contracting discussions.

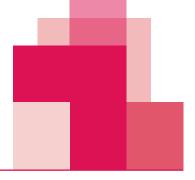63 NHSCB, "Securing excellence in commissioning primary care" (2012)

"It's all very well talking about the benefits of transparency for individual bodies but we all work together now. It is simply too difficult to create a meaningful, joint approach to publishing data that may have to come from lots of organisations in the same area."

Local government, health and education providers and others all work together at the local level to deliver services to local people. Sometimes, however, transparency initiatives seem not to take account of these networks. They focus on individual organisations and services and the links between them are ignored – producing an "opaque" transparency that tells only a partial story. The focus in the GDS on linking data to demonstrate causation and correlation between different actors, and work done on community budgeting, will help to take account of these and other shortcomings around governance in partnerships[64].

The benefits of such an approach could be significant. Where people can link together outcomes and expenditure across a whole place, it will become easier to identify positive opportunities for joint working that can improve those outcomes and, in some cases, reduce that expenditure. At the same time, in a democratic sense, local people will, through official data that recognises the existence of these complex networks, get a clearer idea about how and where decisions are made in their name.

The particular challenge for transparency is for there to be some way to knit together common expectations and practices around data, and how it can be used, across the whole public sector. The Government Digital Strategy has rightly recognised that citizens expect to be able to access information about services seamlessly, but the focus of such work still seems to be on individual transactions. Cultural change, and a shared approach across a range of organisations, is required.

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64 CfPS (2010c)

Case study 10 – whole place accountability: the "middle tier" in education and extended schools services

Schools (both maintained and academies) are required to produce a variety of information about their performance. When parents express preferences about schools for their children, Ofsted information from school inspections tends to be a major driver for this choice. Parental preference, along with inspections and governing bodies, is seen as one of the primary means of accountability for schools in England.

Schools, however, often deliver a range of services in local areas, reflecting the "extended schools" ethos from before the 2010 election. This saw schools as hubs for a wider range of positive interventions in the lives of young people, including local government children's social care, health services, community safety and criminal justice.

The move for further "academisation" (the conversion of maintained schools to academy status, or the opening of new academies and "free schools") is seeing accountability sitting directly with parents, and the Department for Education (DfE), with local authorities and other local partners – sometimes called the "middle tier" – cut out[65].

The Government's approach to transparency in education focuses on accountability upwards, to the DfE, and downwards, to parents. There is little recognition of the links to other organisations, and how what schools do impacts on the work of those organisations[66]. Transparency measures – league tables and inspection reports – treat schools as institutions cut off from local partnerships, which is not the case. Under these circumstances it is difficult for parents, or others, to link such data together with information provided by other partners.

Practical steps to tackle this challenge:

- Map out how different decision-makers work together to develop policy, so that the accountability of those relationships is easier to understand[67];

- Identify where different organisations in the same area are working on the same issues, and ensure that performance data that relates to this work reflects that connection;

- Enter into a conversation with the public and other users, to decide what data should be produced, how and when, to map to their needs rather than to the needs and specialisms of separate organisations.

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65 "Should we shed the middle tier?" (LGiU, 2012)
66 CfPS plans research later in 2013 which will look at how local accountability can be mapped.
67 Ibid

"Without context, a lot of the information we are thinking about releasing would be meaningless, but we can't devote precious time and resources to writing detailed commentaries on everything we release."

Context is vital to understanding data, but that context does not need to be provided laboriously by data holders themselves.

For example, risk, finance and performance data, taken together and properly linked, can provide a remarkably accurate and contextualised picture of how services are being delivered. The Open Data White Paper provides another example, as it makes particular provision for the publication and use of datasets that relate to performance targets. This sees the publication as the start of a wider dialogue about what that evidence means. Context is central to this dialogue.

Context is seen by some as one of the principal barriers to effective transparency. The LGA have argued for the need to publish more information that is "knowledge-rich", rather than just screeds of raw data[68]. Conversely, some have been inclined to follow the Berners-Lee thesis[69] which argues that if a top-down approach is taken towards ensuring that all information in the public domain is comprehensible or provided in context, no data will ever be published as it will never reach this standard.

Berners-Lee suggests a needs-driven approach where basic common technological standards (not the same as common methodologies) are used to publish information in whatever format exists, allowing it to be mashed and interpreted by others. This relates directly to the approach we discussed earlier, championed by the Open Data Institute. The idea is that context is provided through links to other data. This is an approach which has been taken by bodies such as LinkedGov, who are trying to set up a technological framework to allow for the linking of all public data[70].
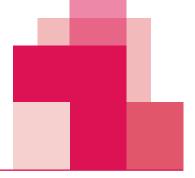
The Government has echoed this approach by using the standard five-star system for open data to encourage technological neutrality in the way that data is presented[71]. This will help other users to identify and use contextual data themselves, rather than rely on data holders to do it for them. The system also encourages the use of links to provide context.

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68 Oral evidence to Public Accounts Committee, 23 May 2012
69 Berners-Lee (W3, 2009) - http://www.w3.org/DesignIssues/GovData.html
70 http://linkedgov.org/overview-of-the-technology/
71 The five-star system originates from a speech given by Berners-Lee at the Gov 2.0 Expo 2010. A summary of its provisions can be found at http://epsiplatform.eu/sites/default/files/The%205%20stars%20of%20Open%20Data_MdV_PR2.pdf

A consistent approach to presenting data, which allows open access and where data is linked to provide context, is vital in providing comprehensive and comprehensible data. Trying to do this "at source" (by individual organisations) will be difficult, so those producing data must make sure that they are presenting it in a way that allows it to be technologically manipulated by others.

It may be unrealistic, however, to assume that this will automatically create knowledge-rich data. It relies on information being released not only in the right format, but in sufficient quantities to make linking data meaningful. It also requires the inclusion of critical pieces of data which, if left out, makes the rest of the information more difficult to understand.

It also assumes that the work of developers will be ideologically and politically neutral. Those developers are being placed in a position of significant power, especially when the lack of statistical literacy in the wider population (see below) is such an issue.

For this reason, while a single, national methodology for collecting and analysing data might be in practice difficult to achieve, individual organisations and sectors may wish to develop their own approaches for providing context and background information. This could form part of a collaborative approach to sharing information, allowing such context to be stripped out where necessary or compared with qualitative information provided by (for example) service users.

In our view this approach could side-step the context challenge. It recognises the fact that context, where provided, can be messy or questionable – but that it still tells a story about how services are delivered. It also recognises the fact that complex planning about building this context in, and "presenting" data in a certain way, may not be necessary.

Practical steps to tackle this challenge:

- Adhere to consistent technological standards in producing information;

- Encourage the input of others in taking data and interpreting it in different ways – even where there is disagreement over that interpretation;

- Think about context, and data, as a way to tell stories about a service, and engage with people who receive the service and front line staff to make these stories as rich as possible.

"Even if we publish all this information, and we're able to get around all the other problems, the general public simply don't understand enough about statistics, or the way that decisions are made, to use it effectively – if at all."

The various approaches to open data and transparency that we have analysed make one big assumption about the end use of such data and the way that it can be used to hold the data-holder to account. This assumption is statistical and political literacy amongst the general public.

The suggestion that an "army of armchair auditors" exist, and that they are able to intelligently scrutinise a large amount of official information, exaggerates the level of statistical literacy in this country. Conducting a survey on the subject in 2010 in the run-up to the launch of their "getstats" campaign, the Royal Statistical Society found that 78% of people have little or no skills in statistical analysis, and fewer than half understood how government spending decisions would impact upon them[72]. The Government does anticipate that raw data will be mediated through developers who will present it in forms that will be more accessible to the general public. While this mediation presents risks around subjectivity, in the absence of a high-profile national campaign to enhance statistical literacy, or concerted local steps amongst key local providers to do the same, it presents the next best option to ensure that as many people as possible are able to use data effectively.

Some have suggested that accountability maps or accountability "stacks"[73] will provide the political literacy that people need to navigate their way around the complex environment of "governance networks"[74]. However, while these could provide for a more open mode of transparency (and while we do recommend that they be pursued) they will not lead automatically to accountability.

Practical steps to tackle this challenge:

- Work with developers to better understand the range of local audiences who might wish to use data;

- Work with developers, as platforms are designed to meet local need (both on a local and national basis) to use that exercise as a means to promote statistical literacy;

- Recognise that "open data" tools such as data.gov.uk or other sites for accessing public data may themselves only be of interest to a small subset of the population, but that there is a role for this subset (which includes developers) to interpret it to suit the needs of a wider range of audiences[75].
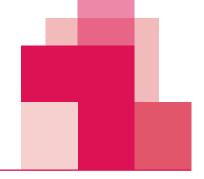
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72 Royal Statistical Society press release, 20 October 2010, http://www. significancemagazine.org/details/education/874791/Royal-Statistical-Society-launches-statistical-literacy-campaign--getstats.html

73 http://indigotrust.wordpress.com/2012/11/12/good-governance-the-accountability-stack-and-multi-lateral-fora As we have noted elsewhere in this research, such "maps" aim to describe who, in a given area, makes decisions, on behalf of whom and covering which services. Building up a reasonably comprehensive picture of where accountability and responsibility lies is a critical step in being able to hold decision-makers to account.

74 Sorenson (2007)

75 In line with the role of developers as "mediators" of public data which the Open Data White Paper and Open Data Institute seem to suggest.

So what do we do?

Our objectives for transparency are fundamental and wide-ranging, but we have seen that they have not yet been fully realised in the three sectors we have examined, or in the delivery of public services more widely. Moreover, there are barriers to achieving them.

So, how do we move from where we are now to a position where the objectives for transparency can be met, based on a shared understanding of the practical benefits that transparency can bring? Below we present some practical steps for what could happen – supplemented by scenarios informed by our case studies, indicating what this could look like on the ground. Importantly, all these scenarios are predicated on a cultural ideal – an organisation, or organisations, fully signed-up to the benefits and objectives of transparency as we have proposed. None of these scenarios are possible in an environment where transparency and openness are considered as process requirements, externally-imposed and requiring nothing more than compliance[76].

A baseline of understanding

- There is more to transparency than "open data" (i.e. pushing information out);

- Compelling public institutions to publish data will not lead to increased transparency, or accountability;

- Transparency is not a panacea that will automatically bring about good governance and accountability;

- Transparency means that things that are published may prove embarrassing or inconvenient in the short term, but will result in tangible improvements to services and a more constructive relationship with users/customers in the long term.

Practical steps to improve

Transparency means that public institutions can have meaningful conversations with a range of audiences about the way they make decisions, the way that they provide information about those discussions, and how they work and make policy.

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76   The scenarios are presented for illustrative reasons only

Scenario 1: open policy making

A council is seeking to move to a commissioning-based approach for delivering services. It is keen to build a transparent and accountable commissioning cycle, in two ways:
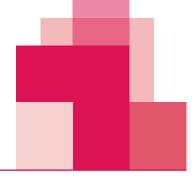
- Co-designing the commissioning arrangements themselves with partners, potential contractors/providers and the public to ensure that it is fully open. It does this through a wiki, which officers update as their approach develops, and to which others can also contribute (the wiki is reactively moderated). Alongside the wiki the council produces a suite of background information to inform people's views;

- Embedding in the commissioning arrangements themselves the opportunity for public input. A commitment is made to publish performance, finance and risk information for each service area to provide a baseline of existing performance for the service, and to assist in putting together a contract specification. An approach jointly curated by overview and scrutiny and officers in the relevant department sees historical and current insight from the public – expressed through feedback, comments, complaints and so on – being used to design the specification in an iterative manner, with drafts being produced, placed in the public domain and refined based on feedback.

This helps to meet our objectives for transparency around risk, expenditure and democracy.

- Risk – open policy-making encourages other views around potential risks, highlighting where risks might not in fact exist and making the decision-maker aware of innovative ways of mitigation;

- Expenditure – effective decision-making requires identifying how a decision will lead to savings, or enhanced value for money, and effectiveness. Making judgments about these outcomes will be easier if those in receipt of services have a hand in deciding what those outcomes are, as part of a policy-development process;

- Democracy – there is a strong democratic need to involve people in decisions that affect them. Open policy-making needs to reach out beyond the engagement of selected, privileged partners to groups and individuals whose opinions might be considered by professionals to be ill-formed, contradictory and unjustified.

Reactive transparency (through FOI), targeted transparency (through league tables and centrally mandated information) and collaborative transparency all have a part to play in producing a "knowledge-rich" set of data that people can filter to suit their needs.

Scenario 2: a "knowledge-rich" dataset

A clinical commissioning group aims to work with the local authority in its area to provide accurate, real-time data on public health and acute interventions, in order to assist the public to use "choose and book" health services. The challenge is put to developers to develop a platform to work seamlessly with "choose and book" that will link together patient satisfaction data (provided through services such as Patient Opinion) with other performance data from local NHS bodies, the council and other partners. Those partners are encouraged to add qualitative data to explain what different metrics mean, how they are delivered and to respond to patient concerns in a public forum. The platform is designed so as to allow this qualitative information to be stripped out by applying various different filters to the data.

This meets all four of our objectives for transparency.

- Risk – different audiences can use data in different ways to identify and highlight risks, and create links from associated data that might reveal potential mitigations;

- Choice – "knowledge-rich" data, mediated by developers and used by end users who have some understanding of what that data means, can help those end-users to make informed choices;

- Expenditure – an approach which allows information to be filtered means that where necessary contextual data can be stripped out to reveal raw data about accounts and finance;

- Democracy – recognising that a range of information can and should be provided, and that it does not all need to conform to rigorous standards of data quality and comparability, demonstrates that the public authorities trust citizens to engage maturely with the information produced on their behalf.

There is huge potential in collaborative transparency for public institutions to amend and improve their own methodologies for collecting and interpreting data. Collaborative transparency can also provide context to this data – recognising that this may result in some trade-off in terms of comparability.

Scenario 3: collaborative transparency

An acute health trust wants to integrate "customer insight", in the form of patient opinion, into the information that it publishes about performance. Working with a developer, and with local people to define their needs for such information (i.e. defining the primary audience), a platform is designed which is fully integrated into "choose and book". It allows prospective patients to look in detail at quantitative and qualitative information about the service provided by other patients. This data can be filtered out of the system by the user to allow just the trust's own data to be displayed.

The principal objective met here is around choice. It might be thought that a reduction in comparability would have a negative effect on choice. However, an approach that allows users of data to help to define which information they would find most useful provides more relevant information to those users than might otherwise be available.

Transparency is a key means of improving services.
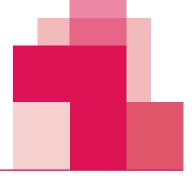
Scenario 4: transparency as a tool for improvement

A school decides that it wants to use poor exam results, and a poor Ofsted report, as the springboard for a discussion about improvement. Teachers and other staff and students provide information to the governing body to augment and supplement the baseline of official information. The governing body use this "knowledge-rich" data to identify areas for potential improvement, gaining insights from a range of stakeholders as to what this improvement might look like. Ownership of the subsequent improvement plan sits with the whole school, with teachers, staff, students and the governing body all having distinct and understood areas of responsibility.

There are particular links here with our objectives on risk and democracy.

- Risk – risk is diminished where more people have a stake in improvement. For example, through an opportunity to contribute to the evidence base for an improvement plan, or by helping to deliver that plan (e.g. by co-designing a new approach).

- Democracy – it is right that when problems arise in public services, responsibility is taken and shared. It is only possible for this to happen, and for failure to lead to meaningful improvement, if the culture is there to admit mistakes and to be prepared to learn lessons.

We have to invest time and energy in enhancing both the statistical literacy of the public, and their understanding of how services delivered to them are arranged and co-ordinated.

Scenario 5: statistical literacy

A school decides that it wants to get its students more actively involved in its governance. Led by the governing body it integrates lessons on statistics with data about its own performance, using students' work to influence its strategic decisions and demonstrating to students the impact that their involvement is having on the school's direction.

Statistical literacy has benefits mainly around our objectives for choice and democracy.

- Choice – in order to exercise choice, the public must understand basic principles of interpreting statistics. Public-facing data may be misleading, particularly when it provides a partial picture or is not effectively linked to other official information;

- Democracy – it is impossible for people to properly engage with democracy if they cannot understand how and why decisions are made in their name, and the evidence base supporting those decisions. They should be able to actively engage as equal participants in discussions on future policy.

We need to accept that comparability of data from place to place and service to service is not the "holy grail". There will be many areas where comparability was possible in the past – with centrally-mandated performance frameworks – but where it is less likely to be possible in the future. As long as common standards for recording data (following the Berners-Lee principles) are maintained, this is not necessarily a bad thing – so long as data is focused on the outcomes for local people.

Scenario 6: a looser approach to comparability of data

A local authority decides to redesign its approach to performance management to focus on local outcomes and priorities, as expressed by local people. While some of these priorities align to national indicators in the Single Data List, many do not. The authority designs its own methodologies to focus an assessment of performance on the experience of local people, and the feedback of staff on the front line, to get an accurate and meaningful picture of the service delivered.

Data collected is published in an open format, which allows it to be "mashed" to produce metrics which are roughly comparable – although, because of the differing methodologies, not 100% comparable. Rather than using this lack of comparability as an excuse for ignoring the performance of others, the authority encourages staff to look at innovative approaches taken by other authorities to improve, and to engage directly with service users about how those techniques might apply in that area.

The focus is on making the service better for local people, not on rigorous comparison which may or may not lead to such improvement because methodologies have been designed with a national "archetype" of good practice in mind.
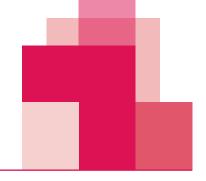
The need for more flexibility around comparability could be seen as a challenge to choice, but it may be an asset. It also has benefits for democracy and expenditure.

- Choice – where common standards are maintained, it will be possible to link between different organisations to identify trends, even where the methodology for data collection and analysis might not be identical. Importantly, where comparability is seen as secondary to producing accurate data that actually demonstrates how a service is received and experienced by the public, it will make it easier for the public to make choices about that service provider;

- Expenditure – data that focuses on local needs and experiences rather than comparability will make it easier for a range of audiences to make clear judgments on the value for money of expenditure that is designed to tackle local needs;

- Democracy – it is right that data should focus on local outcomes, and that data-holders recognise engagement will involve the public having an active part in deciding how those who deliver services to them should account for that delivery through official data. Here accountability faces downwards at local people themselves, rather than upwards to national benchmarking.

This is not an issue of publishing more data than we currently do, or allowing developers to create interesting visualisations from data they have mashed. It is more fundamental than this.

Conclusion

Transparency, as we have seen, can be difficult to define and evaluate. Despite being apparently high on the political agenda, the cultural commitment to it as a means for enhancing accountability has been lacking in many organisations.

A coherent approach to understanding the objectives of transparency, and how it can bring benefits around choice, expenditure, risk management and democracy, will ensure that it is treated as a fundamental part of the way that services are decided, designed and delivered. It affords the opportunity for meaningful partnerships to open up between those delivering services and those receiving them, and for better and more productive relationships between service providers themselves.

To get there, however, we need to recognise that transparency is about culture, behaviour, values and attitudes, rather than adherence to rules and procedures. This requires change from us all.

Centre for Public Scrutiny
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Notes