



Opening Statement – Accountability and Oversight Committee Inquiry into Education, Training, and Communications Initiatives of Victorian Oversight Agencies

I am Sally Winton and I am presently the Acting Freedom of Information Commissioner. I was appointed to that role on 27 June 2017, having previously served as an Acting Assistant FOI Commissioner since October 2016.

With me today is Ms Simone Martin, our Office's Senior Manager of Communications and Education. Simone joined our Office in late June 2016, bringing with her extensive experience working with other Victorian statutory bodies in communications, awareness-raising and stakeholder engagement.

The previous Acting FOI Commissioner provided a submission to this Inquiry in August 2016. Given a number of significant developments with respect to our training and communications program since that time, on 26 July 2017, I provided the Committee with an update, in the form of a Supplementary Submission.

Today, we will –

1. provide an overview of our training, education and communications initiatives in 2016-17 and this year to date, and the key findings of our evaluation of those initiatives;
2. broadly comment on how well we think agencies and the public understand the role of our Office; and
3. touch on the range of other activities planned for 2017-18, including those relating to the establishment of the Office of the Victorian Information Commissioner (OVIC).

TOR 1 – Current education and training initiatives, how are they measured and how effective are they

Current education and training initiatives

Our Office's 2016-17 training, education and communications program was informed by a Training Needs Analysis conducted in September 2016. Completed by 259 respondents, it was the first of its kind conducted by an FOI regulator in Australia. Its findings informed the scope, nature, channels and content of the program, and will continue to inform our activities in 2017-18.

Ninety-eight per cent of respondents indicated overwhelming support for and interest in our Office developing and delivering training, education and resource materials, including agency guidance materials and practice bulletins, and face to face training supplemented by online eLearning modules.

In response to the Training Needs Analysis, in 2016-17 our Office delivered an extensive suite of education, communication and training activities. It involved, for the first time, comprehensive face-to-face technical training; enhanced digital engagement; sector-specific agency engagement; and regular publications to update and advise FOI practitioners on developments relevant to them.

In 2016-17 our Office eclipsed its achievements in previous years – both in number and in scale – reflecting a significant shift in focus toward training and education in the last 12 to 18 months.

I will touch on the areas I've just mentioned.

- We rolled out formal **face to face training**, providing an 'Introduction to FOI' and a more advanced 'Exemptions Masterclass' on commonly applied exemptions.

The aim of this training is to equip public servants to effectively and efficiently discharge their responsibilities as FOI officers and decision makers. The training has a very practical, hands-on focus. Both have been offered on a cost-recovery basis.

The Program was piloted in December 2016 and formally launched in March 2017 to coincide with the launch of our redeveloped website and an online eLearning FOI Awareness Module, which is similar to the introductory modules offered in some interstate jurisdictions.

We have also delivered bespoke face-to-face training, which are tailored by practice issues, sector or location. For instance, last week we delivered a series of information sessions for agencies on the suite of amendments to the FOI Act that are due to commence on 1 September 2017.

- A key part of our **Digital engagement** strategy has been, as I mentioned, a newly developed responsive website with dedicated streams for agencies and the general public. The new website features improved navigation and accessibility for agency guidance materials and resources, and fact sheets. It now also includes an online eLearning Module covering FOI Awareness. Two further online modules dealing with the amendments to the FOI Act, and 10 of the exemptions, are under development.
- In terms of **Stakeholder engagement** – we held sector-specific forums and round tables to target the needs of specific sectors and agencies, in order to deliver meaningful guidance and education activities. We were also involved in inter-jurisdictional initiatives and awareness campaigns such as Right to Know Day and the 250th anniversary of the first FOI legislation in the world. We also participate in FOI networks such as the 'Whole of Victorian Government' FOI Managers network.
- We have published an array of **Agency guidance materials** over the past 12 months – including monthly eBulletins to FOI practitioners, practice notes prepared in collaboration with the Victorian Government Solicitor's Office, and fact sheets and training resources providing practitioner level advice on practical and legislative issues.

How are they measured and how effective are they?

I will hand over to Simone to take you through how we measured the effectiveness of our training, education and communications initiatives.

The number of training and education activities we conduct are measured as part of our BP3 reporting framework.

Our Office's historical performance against the education target improved significantly in 2016-17, when compared to the previous 3 years. We conducted 42 education activities last year, exceeding our annual target by 110%. This was also a significant improvement on our average of 26 activities over the previous three reporting years.

This significant increase was achieved through the appointment of a dedicated communications and education officer, for the first time, to plan and implement a training and education program.

We measure the effectiveness of all of our training, education and stakeholder engagement activity against pre-determined key result indicators. The method and metrics applied with respect to a particular activity is tailored to reflect the learning objectives and the nature of the activity.

For example:

- assessment and evaluation surveys are completed for face to face agency training and online eLearning module courses;
- surveys are also administered for all forums and round tables; and
- website visits and page views for agency guidance and resources.

Key Findings

Several key findings from our evaluation results and other information are worth highlighting.

Although the program is less than 12 months old, it :

- is **Robust and evidence based**: the program draws from the results of the Training Needs Analysis I mentioned earlier;
- is **Comprehensive**: it utilises a range of modalities and approaches to meet agencies' requirements, including face to face, and self-paced learning through eLearning modules, agency guidance materials and targeted stakeholder engagement activities.
- has proven **Cost effective**: compared with jurisdictions such as New South Wales, Queensland and the Commonwealth. Our Office appears to have delivered a similar scale of activities with fewer staff and less funding. Our *program development* costs have been modest (less than \$100,000 excluding salaries (\$60,000 for training materials, \$25,000 for our redeveloped website and \$15,000 for our FOI awareness eLearning module); and
- has been **well received** by the intended target audience for the program - recurrent demand for the program has been strong and continues to incrementally increase. We saw a 58% increase in the total number of public sector employees attending our training in 2016-17 when compared with the previous year (from 415 in 2015-16 to 657 in 2016-17).

In addition:

- **affordability** has been a key driver for agencies, at less than half the cost per day, on average, than private providers; and
- the program has **met its intended objectives** – namely that agencies understand their obligations under the FOI Act, and the function and purpose of the FOI Commissioner. This is evidenced by participant survey results and increases in learning gain results.

I will note that the evaluation results have also informed a number of improvements to the program. For example, agency feedback prompted us to engage an instructional designer to

improve the interactivity, attendee engagement and resource materials for the FOI Introduction face to face training.

TOR 2 – How well are the role, power and process of the Office understood by the Victorian Public?

I will address the Committee on how well the role, power and processes of the Office of the FOI Commissioner are understood by the Victorian public.

While we do not have any objective measures of such an understanding, our assessment is that the community understanding of the Commissioner's functions ranges from 'modest' to 'well informed.' The public's understanding moves along this spectrum in correlation with the degree of contact with our Office.

There are a number of online resources for the public available on our website. The redevelopment of the website has resulted in a 34% increase in site visits and a 57% increase in page views, compared to visits in the three months prior to the release of the new site.

In 2016-17 there was a 40% increase in the number of FOI review applications and complaints to our Office. We believe this increase is in part attributable to an increased community awareness of the role and function of the FOI Commissioner.

Lastly, before I move off our engagement with the public, I note that the recent amendments to the FOI Act that are due to commence on 1 September 2017 will mean that the new Information Commissioner will have a broader and legislatively mandated role in educating the public about the role of the Commissioner and the operation of the FOI Act.

An external communication and awareness strategy is currently being developed to target the public (and agencies) about the changes, and will provide an opportunity for more rigorous assessment of how the community understands our Office's role, powers and processes.

TOR 3 - How well are the functions of these bodies and the processes they enforce understood and complied with by Government agencies?

I will move on now to how well our Office's functions are understood by and complied with by those agencies that are subject to the FOI Act.

Our impression is that agencies have a 'good' to 'very good' understanding of the OFOIC's functions and the FOI review and complaints process. Agencies that have a relatively high level of interaction with our Office appear to have a commensurately sophisticated understanding of its functions and processes.

The vast majority of agencies subject to the FOI Act continue to co-operate with and assist the OFOIC as we perform our review and complaint functions with as little formality and technicality as possible.

As we have outlined today, our training and education program has strengthened agencies' engagement with our Office, and their understanding of our functions. It has also provided practical guidance on how to ensure they act consistently with the object and purpose of the FOI Act.

We are considering what methods we might use to measure the long-term effectiveness of our training and education program. The options include expanding the annual survey of

agencies on their administration of the FOI Act, or undertaking a stakeholder engagement survey annually.

The forthcoming changes to the FOI Act, which will strengthen the regulatory powers available to the Information Commissioner, are also expected to enhance agencies' understanding of the Commissioner's functions.

A key change will be the ability for the Information Commissioner to issue and monitor compliance with professional standards for all agency officers involved in the operation of the FOI Act. The standards could deal with matters such as how agencies comply with their obligation to assist the Information Commissioner in the conduct of a review. The FOI Act, as amended, will require agency heads to ensure that their staff are aware of and comply with the standards, and for the first time, will vest the Commissioner with the power to deal with non-compliance with the standards through the complaints process.

The FOI Act will require that agencies be consulted through the development of professional standards. Training and education workshops are envisaged to support this process.

TOR 4 – How does the FOIC compare to comparable entities in other Australian and International jurisdictions

In the development of our program, we looked closely at the training and education initiatives of FOI regulators in other Australian jurisdictions, and actively engaged with some of them regarding lessons learned, to inform our future activities.

We conducted a comparative analysis of the 2014-15 and 2015-16 Annual Report data of each of the Australian jurisdictions. A summary of our analysis formed part of our submissions to this Inquiry.

Today, we will focus on the 2015-16 comparative data.

The majority of jurisdictions offered face-to-face FOI training in 2015-16. Two jurisdictions offered online training, in the form of e-learning modules or webinars. Our program in 2016-17 brings Victoria into line with those jurisdictions.

It is also relevant to note that Victoria:

- Receives considerably less funding and staffing than other jurisdictions for training and education initiatives (noting that a number of those jurisdictions' programs also include privacy and data protection);
- Has a comprehensive range of programs that is comparable to that offered in New South Wales, Queensland, and the Commonwealth, despite the program being relatively new and less than 12 months old;
- Is the only jurisdiction to administer a training needs analysis to ensure the program is robust and evidence based; and
- Will, with the establishment of OVIC, align with other jurisdictions that adopt an integrated FOI and privacy model, such as New South Wales, Queensland and the Commonwealth, presenting additional training and educative opportunities.

TOR 5 – Is there a need to strengthen the education and training functions for the FOIC through legislation or other means

As we have mentioned, 2016-17 was the first year in which our Office devoted dedicated resources to its education and training functions. We started the year with one full time equivalent officer, and have recently increased that number to two.

Our investment in education and training has enabled us to deliver a program of considerable breadth and complexity. The program is being adapted to take account of the forthcoming changes to the FOI Act.

Further, as we have discussed, the program includes evaluation measures and continuous improvement practices that are designed to ensure the program remains agile and responsive to stakeholders needs.

Our use of highly qualified trainers has enabled us to upskill the staff who we have had work alongside them. This has enabled us to leverage the knowledge and expertise of our Office, and build an internal training capability.

We anticipate that the recent amendments to the FOI Act – in particular those that we have mentioned today – will substantially strengthen the educative role of the Information Commissioner, and his or her Office, into the future.

Planned initiatives for 2017-18

Finally I would like to close our presentation by providing a brief overview of our planned activities for 2017-18.

- Our Office will maintain its strong focus on training and education in 2017-18. In particular, we will continue to invest in and commit to strong education and training outcomes through higher BP3 targets (50 events and 750 attendees per annum);
- continue our face to face agency training , supported by online eLearning modules;
- lead more stakeholder engagement activities with key public sector agencies and the general community through specific forums and one-on-one engagement;
- make a series of website enhancements to educate users on the (soon to be) newly established OVIC and to reflect legislative amendments, while increasing interactivity and accessibility through webinars and a new performance portal;
- implement a communications and stakeholder engagement plan to support the introduction of OVIC, targeting both the general community and public sector.

Conclude.