

# Independent Reporting Mechanism

Results Report:  
United Kingdom 2021-2023

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Executive Summary

**The United Kingdom (UK)'s fifth action plan led to significant early results in public procurement transparency with the adoption of the Procurement Act 2023. It also led to moderate early results in open justice, particularly remote observations of court hearings and digitisation of court services. Government-civil society cooperation improved compared to the co-creation process, reinvigorating the UK's action plan process.**

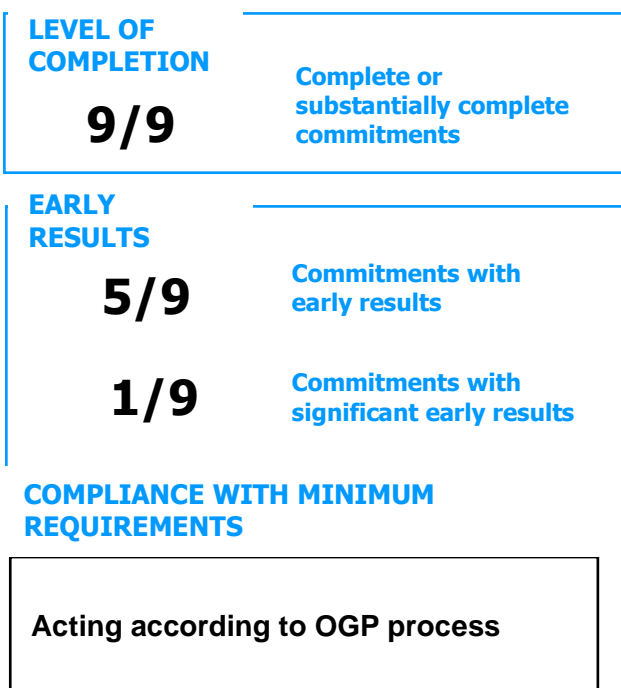
### Early Results

The UK's fifth action plan had eight commitments. For purposes of review, the IRM separated Commitment 4 into two commitments, changing the total number of commitments to nine. The action plan built on previous commitments in open contracting, health sector transparency, international illicit finance, official development assistance (ODA) transparency and freedom of information. It also pursued new areas of open justice, algorithmic transparency, and diversity and inclusion. Three commitments (ODA transparency, diversity and inclusion, and freedom of information) were added as amendments during the implementation period.

For Commitment 1, the Parliament passed the Procurement Act 2023. The Act will significantly improve the transparency of the UK's public procurement practices when it comes into effect. The commitment also led to drafting secondary legislation to support the Act, and a robust education programme on the Act. Commitment 2, while not evaluated as promising in the IRM Action Plan Review (APR), improved the digitisation of court services and access to remote court hearings. This commitment was supported by passing primary legislation to facilitate and expand public access to remote hearings, although the legislation was not part of the commitment in the action plan.

Civil society welcomed the addition of the three commitments to the amended action plan. Under Commitment 6, the Foreign, Commonwealth and Development Office resumed its monthly data publication on expenditures. This commitment was carried over into the sixth action plan (2023-2025). Commitments 7 and 8 led to the establishment of working groups to promote diversity and inclusion in the UK's OGP action plans and to strengthen freedom of information, respectively. However, these working groups did not lead to new commitments on these policy areas in the sixth action plan.

### IMPLEMENTATION AT A GLANCE



## Completion

The UK completed all the commitments either fully or substantially. For Commitment 4.1, the Department of Health and Social Care did not deliver the planned 'data pact' during the action plan period. The data pact would have set out how the National Health Service (NHS) uses social care data and what the public has the right to expect. For Commitment 4.2, the report on approved clinical trials and registration details was published in March 2024, after the implementation period. Although steps were taken towards wider participation in the development of the UK's OGP action plans, these actions did not fully align with the milestones of Commitment 7.

## Participation and Co-Creation

The Central Digital and Data Office (CDDO), part of the Cabinet Office, coordinated the UK's fifth action plan, alongside the UK Open Government Civil Society Network (UK OGN) through the UK Multi-Stakeholder Forum for Open Government (MSF). The CDDO is in the process of moving from the Cabinet Office to the Department for Science, Innovation and Technology (DSIT).<sup>1</sup> The ongoing work to design the digital centre of government within DSIT will assess the suitability of the current arrangement and make recommendations for the future responsibility for the delivery of the principles of open government and the national action plan. The UK MSF is routinely co-chaired by civil servants from CDDO and the chair of the UK OGN, and membership includes civil servants, members of the steering committee of the UK OGN, and civil society subject matter specialists or network leaders.<sup>2</sup>

The co-creation of the fifth action plan saw varying levels of engagement across the proposed topic areas. A lack of consensus in some thematic working groups compromised the clarity of the commitments, especially in new areas like open justice.<sup>3</sup> By the end of the implementation period, the relationship between civil society and the government improved. After a change in leadership in the Cabinet Office during the implementation period, the levels of collaboration in the monitoring of the action plans improved.<sup>4</sup> This helped restore trust in the action plan process among the UK OGN.<sup>5</sup> These improvements to the process and the civil-society government relationship were important after OGP's Criteria & Standards (C&S) Subcommittee placed the UK under Procedural Review in February 2021.<sup>6</sup>

## Implementation in Context

The beginning of the implementation period saw frequent changes in ministers and senior reporting lines in departments.<sup>7</sup> Consequently, at the beginning of the implementation period, civil society stakeholders were not always aware of the status of the commitments. However, the new PoC and their team re-established government-civil society dialogue and improved the monitoring and implementation of commitments.<sup>8</sup> A government representative suggested that extending the UK's action plan cycles to four years could provide better continuity and flexibility in case of political transitions.<sup>9</sup>

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<sup>1</sup> UK Government, DSIT bolstered to better serve the British public through science and technology, 8 July 2024, <https://www.gov.uk/government/news/dsit-bolstered-to-better-serve-the-british-public-through-science-and-technology>

<sup>2</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>3</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>4</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024. Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>5</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>6</sup> Open Government Partnership, UK Procedural Review, <https://www.opengovpartnership.org/wp-content/uploads/2022/12/UK-Procedural-Review-Resolution-December-2022-CS-approved-Dec-20-2022.pdf>

<sup>7</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.

<sup>8</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>9</sup> Rebecca Milner (Cabinet Office), Interview by the IRM, 19 June 2024.

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## Section I: Key Observations

### **Observation 1: Stronger government leadership and government-civil society cooperation drove implementation.**

During implementation of the fifth action plan, the relationship between the government and civil society improved compared to the co-creation process. The relationship benefitted from a stabilisation in ministerial responsibility for the action plan process and OGP membership in late 2022. The Parliamentary Secretary for the Cabinet Office co-chaired the MSF meeting in June 2022.<sup>10</sup> This helped re-establish the expectation of ministerial attendance at some MSF meetings, which had become uncertain during the co-creation and early implementation of the fifth action plan. This improved political leadership helped restore civil society's trust in the action plan process among members of the UK OGN, after the UK was placed under Procedural Review for acting contrary to action plan process during three consecutive action plan cycles, including the co-creation of the fifth action plan.<sup>11</sup> The improved collaboration during implementation of the fifth action plan continued into the co-creation of the sixth action plan.<sup>12</sup>

### **Observation 2: Commitments linked to ongoing activities saw stronger early results.**

Commitments that integrated new activities into existing programmes benefited from consistent resourcing and institutional support. For instance, Commitment 4.1 made information from health and social care studies publicly accessible by aligning with an existing initiative that had dedicated teams, an established technical infrastructure and staff expertise. Similarly, Commitment 2 was linked to ongoing activities around remote observations of hearings. Commitment 1 built on the previous action plan (2019-2021) and was linked to the Procurement Act. In contrast, standalone initiatives often lacked buy-in from government and civil society. This was particularly evident for Commitment 7 (diversity and inclusion), where inadequate buy-in and resourcing from both government and civil society hindered implementation.

### **Observation 3: Commitments that had vague milestones were often unable to achieve their stated objectives.**

Many commitments had ambitious objectives but vague milestones. The gap between the levels of ambition and practical benchmarks in these commitments hindered their tracking, implementation and early results. For instance, Commitment 7's broad objectives were not broken down into actionable steps, making it challenging to assess its progress and impact. Also, while Commitment 3 identified the need for a mapping study for algorithmic transparency and accountability, it did not explicitly entail implementing the findings of the study. A lack of clear milestones also led to inconsistencies in the granularity of tracking the progress of the commitments, particularly during the first half of the implementation period, before the MSF resumed started providing regular updates from January 2023 onwards. The sixth action plan includes more specific milestones, which could aid progress tracking, accountability and, ultimately, more successful implementation.<sup>13</sup> For future action plans, the CDDO could adopt a more cohesive and proactive approach to updates on implementation. This could be a dedicated webpage with all action plan materials, including information on co-creation processes and commitment implementation.

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<sup>10</sup> The Parliamentary Secretary for the Cabinet Office was also due to co-chair the January 2024 MSF meeting, but that this was cancelled due to urgent parliamentary business.

<sup>11</sup> Resolution of the Criteria and Standards Subcommittee regarding the Participation Status of the United Kingdom in OGP, <https://www.opengovpartnership.org/wp-content/uploads/2022/12/UK-Procedural-Review-Resolution-December-2022-CS-approved-Dec-20-2022.pdf>

<sup>12</sup> Open Government Partnership, United Kingdom Action Plan Review 2023-2025, <https://www.opengovpartnership.org/documents/united-kingdom-action-plan-review-2023-2025/>

<sup>13</sup> Open Government Partnership, IRM Action Plan Review, United Kingdom 2023-2025, [https://www.opengovpartnership.org/wp-content/uploads/2024/08/United-Kingdom\\_Action-Plan-Review\\_2023-2025.pdf](https://www.opengovpartnership.org/wp-content/uploads/2024/08/United-Kingdom_Action-Plan-Review_2023-2025.pdf)

## Section II: Implementation and Early Results

The following section looks at the commitment that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments or clusters identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments or clusters that were not determined as promising but that, as implemented, yielded significant results.

### **Commitment 1: Open Contracting**

**Implementing Agency:** Cabinet Office

#### **Context and Objectives:**

The UK government spends about £300 billion annually on procuring goods and services from external suppliers, accounting for roughly a third of all public expenditure.<sup>14</sup> The fourth action plan (2019-2021)<sup>15</sup> increased the availability of above-threshold contracts on Contracts Finder and further aligned Contracts Finder with the Open Contracting Data Standard (OCDS). However, Contracts Finder was still not fully compliant with OCDS, making it difficult for users to match contracts with the relevant tender notice.<sup>16</sup>

The fifth action plan aimed to mandate implementation of the OCDS across all contracting authorities, establishing a central platform for supplier registration, and introducing primary and secondary legislation for increased transparency. The milestones included publishing 95 per cent of above-threshold tenders on Contracts Finder and publishing 90 per cent of above-threshold awards within 90 calendar days. They also involved reporting annually on the publication of documents and redactions in central government contracts and issuing twice-yearly reports on progress in meeting these activities.

#### **Early Results:** Significant

This commitment resulted in the adoption of the Procurement Act, which received royal assent on 26 October 2023.<sup>17</sup> The Procurement Act replaced the European Union regime governing public procurement. According to a representative of the Cabinet Office, the Act establishes a fully integrated central digital platform where registration, supplier information and notices all work together to support the Procurement Act and its regulations. This platform will consolidate the functionalities of Contracts Finder and Find a Tender Service (FTS) into a single platform. The legacy systems will be used temporarily for procurement activities that occurred before the new platform (October 2023), ensuring a smooth transition to the new platform.<sup>18</sup>

The Procurement Act introduces augmented reporting obligations that will significantly advance transparency in public procurement processes in the long term. The Act requires authorities to publish various notices on the FTS, encompassing planning notices, contract details, pipeline notices,<sup>19</sup> contract performance assessments<sup>20</sup> and termination notices.<sup>21</sup> The Act incorporates procurement notices across the entire lifecycle.<sup>22</sup> There are also plans to conduct public consultations on other notices, such as payment notices.<sup>23</sup>

Additionally, the Procurement Act enables faster competition for emergency buying, by allowing a minister to directly award public contracts without going through the usual competitive tendering process if it is necessary to protect life, health, public order or safety. This provision,



a response to the COVID-19 pandemic, enables the government to act quickly in emergencies, such as health crises, by streamlining the procurement process for essential goods and services. Transparency International (TI) UK found that the government awarded over £30.7 billion in high-value contracts through uncompetitive procurement – equivalent to almost two-thirds of all COVID-19 contracts by value.<sup>24</sup> TI UK cautioned that the provisions in the Procurement Act 2023 contain insufficient parliamentary safeguards against abuse, with ministers alone able to repeal them and no requirement for the government to justify their ongoing use.<sup>25</sup>

In tandem with primary legislation, two consultations were held on draft regulations during summer 2023, which underwent parliamentary scrutiny. The draft regulations were laid before Parliament on 25 March 2024, though they are not yet enacted. These regulations, along with the Procurement Act, are due to take effect on 24 February 2025.<sup>26</sup> Throughout the drafting of the Procurement Bill (enacted as the Procurement Act), it became evident that mandating all contracting authorities to implement the OCDS, as specified in the commitment, was not compatible with the framework of the Act and regulations. While this objective was not achieved, data within notices from contracting authorities shall be published in OCDS on the central digital platform.<sup>27</sup> However, existing procurement data is available in OCDS format on FTS and Contracts Finder. While the Procurement Act does not explicitly mention the OCDS, it states that procurement data will be aligned with international publishing standards. This will enhance the accessibility and usability of procurement data.

A Learning and Development (L&D) Programme for contracting authorities on working within the new regime began in October 2023. It includes informational resources for contracting authorities on the new regulations, the key benefits and actions they need to take or consider for implementing the new regime. It also includes self-guided e-learning modules and webinars for contracting authorities on the new regime.<sup>28</sup> The programme is ramping up in preparation for the enforcement of the Act and regulations in February 2025.<sup>29</sup>

The commitment's milestones were partially completed. Between May 2022 and March 2023, 12,440 opportunity notices were published on Contracts Finder, averaging 94.8 per cent for above-threshold tenders.<sup>30</sup> This effectively met the commitment's goal of 95 per cent. December 2022 recorded the highest achievement at 96.2 per cent. However, limited access to certain source systems from January 2023 prevented some contracting authorities from publishing notice data. From April to September 2023, 8,869 opportunity notices were published, averaging at 95.5 per cent, with the highest at 96.0 per cent in April 2023.<sup>31</sup> The Cabinet Office shared data summaries with the Open Contracting Advisory Group,<sup>32</sup> and the data is expected to be published on GOV.UK.<sup>33</sup>

The milestone of publishing 90 per cent of above-threshold central government awards on Contracts Finder within 90 calendar days was not met. Reports up to April 2024 were still being processed in May 2024, and the Cabinet Office is exploring alternative options. Additionally, the milestone for reporting annually on central government contract document publication and the extent of redactions was not achieved. Although a summary of the data was shared with the Open Contracting Advisory Group in January 2024, its publication is pending. Data from January to June 2023 shows that, across central government, documents received an average redaction score of 3.4 on a scale from 0 to 5 (with 0 indicating the entire document is redacted, while 5 indicating no redactions were applied). The most redacted information were personal details and commercially sensitive content. Failure to achieve the promise of 90 per cent availability of

above-threshold central government awards limits the tracking of public expenditure. Finally, the milestone for issuing semiannual progress reports on the activities of this commitment was not achieved. However, the Cabinet Office plans to publish an update on all open contracting milestones on GOV.UK.<sup>34</sup>

According to a non-governmental member of the Open Contracting Advisory Group, the government showed a strong willingness to engage civil society in the drafting process and integrate their perspectives and concerns while drafting the bill.<sup>35</sup> The member noted that the Open Contracting Advisory Group facilitated informed discussions on the Procurement Bill, while the parallel consultations that were open to all stakeholders provided ample opportunities for feedback on the bill and the regulations. This approach, according to the interviewee, led to constructive collaboration and could serve as a model for future engagement between the government and civil society.<sup>36</sup>

### **Looking Ahead:**

This commitment has been carried forward to the sixth action plan. The IRM recommends the following steps to ensure effective delivery and implementation of the Procurement Act:

- Ensure that all relevant individuals within contracting authorities are adequately trained on the requirements of the Procurement Act.
- Ensure adequate financial and human resources during implementation, particularly for training and skills development for both commercial and technical aspects.
- Implement effective transition to address the overlap between the old and new systems, detailing timelines, cost implications and resource requirements for transitioning from the Public Contracts Regulations 2015 to the Procurement Act.
- Develop a robust process for managing the system's overall performance, including mechanisms for addressing non-compliance and data gaps, potentially through the establishment of a specialist tribunal or by extending the power of the Procurement Review Unit (PRU) to ensure regular reporting on the system's performance.
- Provide comprehensive guidance to contracting authorities on navigating disclosure obligations, particularly concerning sensitive commercial information, to ensure consistent application of transparency standards.

Considering the reliance on noncompetitive procurement during the COVID-19 pandemic, TI UK recommended the following steps for maintaining transparency of procurement during emergency situations:<sup>37</sup>

- Clearly describe the specific emergency or event leading to the need for direct awards.
- Restrict direct awards exclusively to those addressing the immediate need stemming from the defined event.
- Specify as much as possible the types of contracts covered by the regulation and list all conditions and limitations.

## **Commitment 2: Open Justice**

### **Implementing Agency: Ministry of Justice**

#### **Context and Objectives**

The justice system in the UK has seen a decline in court reporting in the media, inconsistent availability of court information and unequal access to justice system data. As more hearings were conducted online during the COVID-19 pandemic, there was a need to help journalists and

the public access these hearings, understand reporting restrictions and obtain information on cases, judgments and decisions. Additionally, the modernisation of the court system presents an opportunity to improve the collection and publication of data on the justice system.

This commitment sought to improve access to the data and information for the public, media and civil society to better understand the justice system, as it undergoes digital transformation. It aimed to ensure information on when hearings are taking place is readily available and to provide easy access to case information, judgments and decisions. Additionally, it aimed to facilitate access to remote hearings. This commitment was facilitated by the enactment of the Police, Crime, Sentencing and Courts (PCSC) Act, which received royal assent in April 2022. Although not a milestone of the commitment, this act expanded and made permanent the temporary remote observation powers introduced during the COVID-19 pandemic in England and Wales.<sup>38</sup> These new powers allow for remote access to any type of public hearing, including hybrid and in-person sessions. Access to remote hearings must be requested, with approval granted at the judge's discretion, depending on the availability of technology and staffing.<sup>39</sup>

**Early results:** Moderate

This commitment led to moderate early results in transparency of the courts. The HM Courts & Tribunals Service (HMCTS) published a data strategy in December 2021. The strategy outlines HMCTS' plan for data-driven courts and tribunal services and to improve the quality of the data held by HMCTS.<sup>40</sup> HMCTS is also creating a catalogue for resources on open and shared data so that academics, researchers and other stakeholders can easily navigate and understand available data and information.<sup>41</sup> Through the Data First programme,<sup>42</sup> HMCTS restructured its Data Access Panel, introducing a new membership criteria and terms of reference.<sup>43</sup> This programme has successfully managed an increase in data access requests—now at approximately 80 substantial requests per year.<sup>44</sup> The data provided by HMCTS, particularly through Data First, has already yielded research outcomes,<sup>45</sup> including studies on ethnic disparities in justice.<sup>46</sup> Furthermore, the Senior Data Governance Panel (SDGP) has prepared its terms of reference, membership and activities in early 2023.<sup>47</sup> HMCTS is publishing other data, such as their management information.<sup>48</sup> In May 2024, after the action plan period, HMCTS published guidance on how to attend or access courts or tribunals.<sup>49</sup>

In April 2022, The National Archives launched the Find Case Law service, a virtual repository providing free access (under the Open Justice Licence<sup>50</sup>) to legally significant court and tribunal judgments for England and Wales from 2003 onwards.<sup>51</sup> This service is currently in the Beta stage, with work underway to expand the scope of published judgments. Additionally, HMCTS is developing the Court and Tribunal Hearings (CaTH) Service to modernise and streamline access to court and tribunal hearing lists for the public, media and legal professionals.<sup>52</sup> The service is being rolled out across courts and tribunals (the first phase was launched in July 2022), and currently publishes hearings lists in Civil and Family Courts in Milton Keynes, Oxford, Reading, High Wycombe and Slough. It also publishes Single Justice Procedure lists and First Tier Immigration and Asylum Chamber lists.<sup>53</sup>

A civil society stakeholder emphasised that this commitment fell short of addressing systemic issues within the justice system. For example, the existing system for listing court hearings is not centralised or easily accessible to the public for free.<sup>54</sup> Furthermore, obtaining court documents is expensive and challenging, often requiring legal representation, which creates inequality in access to justice and legal transparency. The representative stressed the

importance of ensuring the new system does not unintentionally deepen inequalities, particularly for those who may face challenges in accessing justice.<sup>55</sup>

### Looking Ahead:

This commitment has not been carried forward to the sixth action plan, even though there was a demand for further action on open justice during the co-creation process. The Cabinet Office attributed this to the lengthier call for evidence that was taking place, which could not fit within the action plan co-creation timeline defined by OGP rules.<sup>56</sup> Despite the expansion of remote observations and efforts to digitise court services, challenges remain in ensuring the public has easy, free access to court information and documents. Without a more ambitious and well-resourced strategy, the justice system risks missing opportunities to modernise in an increasingly digital age.

The UK could also consider taking up recommendations from civil society:<sup>57</sup>

Open justice and access to court information:

- Continue to engage judges, media representatives and civil society organisations in developing policies affecting open justice.
- Continue to expand the CaTH system as a centralised database for court hearing listings.
- Use language in court listings that avoids using words and expressions that reinforce stereotypes, prejudice, and exclusion of certain individuals or groups.

Technological advancements and access:

- Create a centralised, free-access database of court documents to overcome the challenges and expenses associated with obtaining these documents.
- Conduct an independent evaluation of the livestreaming of Supreme Court proceedings to assess its effectiveness and impact on open justice.
- Commit to the prompt release of important government data to ensure public access and accountability.

AI regulations:

- The Department for Science, Innovation and Technology (DSIT) could implement strict oversight on the use of AI across all sectors by establishing a centralised, specialised AI regulatory body to monitor and enforce standards.

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<sup>14</sup> Institute for Government, Summary – Government procurement: The scale and nature of contracting in the UK, <https://www.instituteforgovernment.org.uk/publication/government-procurement>

<sup>15</sup> Open Government Partnership, IRM UK Action Plan Review 2021-2023, [https://www.opengovpartnership.org/wp-content/uploads/2022/08/United-Kingdom\\_Action-Plan-Review\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2022/08/United-Kingdom_Action-Plan-Review_2021-2023.pdf)

<sup>16</sup> Open Government Partnership, United Kingdom Transitional Results Report 2019-2021, <https://www.opengovpartnership.org/documents/united-kingdom-transitional-results-report-2019-2021/>

<sup>17</sup> Legislation.gov.uk, UK Procurement Act 2023, <https://www.legislation.gov.uk/ukpga/2023/54/contents/enacted>

<sup>18</sup> Andrew Bowen (Cabinet Office), interview by the IRM, 14 May 2024.

<sup>19</sup> Legislation.gov.uk, UK Procurement Act 2023, Pipeline notices, <https://www.legislation.gov.uk/ukpga/2023/54/section/93/enacted>

<sup>20</sup> Legislation.gov.uk, UK Procurement Act 2023, Assessment of contract performance, <https://www.legislation.gov.uk/ukpga/2023/54/section/71/enacted>

<sup>21</sup> fieldfisher, New notices and publication requirements under the Procurement Act 2023, [https://res.cloudinary.com/fieldfisher/image/upload/v1706787592/PDFs/New\\_notices\\_and\\_publication\\_requirements\\_under\\_the\\_Procurement\\_Act\\_2023\\_chqroh.pdf](https://res.cloudinary.com/fieldfisher/image/upload/v1706787592/PDFs/New_notices_and_publication_requirements_under_the_Procurement_Act_2023_chqroh.pdf)

<sup>22</sup> Government Commercial Function, Part 2 Consultation on draft regulations to implement the Procurement Bill, <https://us20.campaign-archive.com/?u=a8f2cbf25fdadab21417371cb&id=df8d95913f>

- <sup>23</sup> Legislation.gov.uk, UK Procurement Act 2023, Payment notice, <https://www.legislation.gov.uk/ukpga/2023/54/section/70/enacted>
- <sup>24</sup> Transparency International UK, Behind the Masks: Corruption red flags in Covid-19 public procurement, 9 September 2024, p 8, [https://transparency.org.uk/sites/default/files/pdf/publications/Behind%20the%20Masks%20Report%20Final\\_0.pdf](https://transparency.org.uk/sites/default/files/pdf/publications/Behind%20the%20Masks%20Report%20Final_0.pdf)
- <sup>25</sup> Transparency International UK, Behind the Masks: Corruption red flags in Covid-19 public procurement, 9 September 2024, p 13, [https://transparency.org.uk/sites/default/files/pdf/publications/Behind%20the%20Masks%20Report%20Final\\_0.pdf](https://transparency.org.uk/sites/default/files/pdf/publications/Behind%20the%20Masks%20Report%20Final_0.pdf)
- <sup>26</sup> Shoosmiths, New regulations confirm the Procurement Act 2023 will 'go live' on 24 February 2025, <https://www.shoosmiths.com/insights/comment/new-regulations-confirm-procurement-act-2023-live-24-february-2025>
- <sup>27</sup> Andrew Bowen (Cabinet Office). interview by the IRM, 14 May 2024.
- <sup>28</sup> UK Government, Transforming public procurement, Learning and Development modules, <https://www.gov.uk/government/collections/transforming-public-procurement>
- <sup>29</sup> Andrew Bowen (Cabinet Office), interview by the IRM, 14 May 2024.
- <sup>30</sup> Andrew Bowen (Cabinet Office), interview by the IRM, 14 May 2024.
- <sup>31</sup> Andrew Bowen (Cabinet Office), interview by the IRM, 14 May 2024.
- <sup>32</sup> The Open Contracting Advisory Group is co-chaired by both a civil society representative and a cabinet officer responsible for overseeing the Procurement Act.
- <sup>33</sup> Andrew Bowen (Cabinet Office), interview by the IRM, 14 May 2024.
- <sup>34</sup> Andrew Bowen (Cabinet Office), interview by the IRM, 14 May 2024.
- <sup>35</sup> Ruairi Macdonald (University of Oxford), interview by the IRM, 25 April 2024.
- <sup>36</sup> Ruairi Macdonald (University of Oxford), interview by the IRM, 25 April 2024.
- <sup>37</sup> Transparency International UK, Behind the Masks: Corruption red flags in Covid-19 public procurement, 9 September 2024, p 13, [https://transparency.org.uk/sites/default/files/pdf/publications/Behind%20the%20Masks%20Report%20Final\\_0.pdf](https://transparency.org.uk/sites/default/files/pdf/publications/Behind%20the%20Masks%20Report%20Final_0.pdf)
- <sup>38</sup> Legislation.gov.uk, Police, Crime Sentencing and Courts Act 2022, <https://www.legislation.gov.uk/ukpga/2022/32/contents>
- <sup>39</sup> Ministry of Justice, interview by the IRM, 26 June 2024.
- <sup>40</sup> HM Courts & Tribunals Service, HMCTS Data Strategy, December 2021, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1039270/HMCTS626\\_Data\\_Strategy\\_v3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1039270/HMCTS626_Data_Strategy_v3.pdf)
- <sup>41</sup> HMCTS Open Data Catalogue, <https://www.gov.uk/guidance/access-hmcts-data-for-research#hmcts-open-data-catalogue>
- <sup>42</sup> UK Government, Information on Data First, <https://www.gov.uk/guidance/ministry-of-justice-data-first>
- <sup>43</sup> Ministry of Justice, interview by the IRM, 26 June 2024.
- <sup>44</sup> Open Government Partnership, UK Fifth National Action Plan 2021-2023 April 2023 update, <https://opengovernment.org.uk/wp-content/uploads/2023/04/UK-Fifth-National-Action-Plan-2021-2023--April-Update-2-2.pdf>
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- <sup>46</sup> ADR UK, Ethnic inequalities in the criminal justice system, <https://www.adruk.org/news-publications/publications-reports/ethnic-inequalities-in-the-criminal-justice-system/>
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- <sup>48</sup> UK Government, HMCTS Management Information Data, <https://www.gov.uk/government/collections/hmcts-management-information>
- <sup>49</sup> UK Government, How you can attend or access courts or tribunals, updated 29 May 2024. <https://www.gov.uk/government/publications/how-you-can-attend-or-access-court-and-tribunal-hearings/how-you-can-attend-or-access-courts-or-tribunals>
- <sup>50</sup> Find Case Law, Open Justice Licence, <https://caselaw.nationalarchives.gov.uk/open-justice-licence>
- <sup>51</sup> Find a Case Law platform, <https://caselaw.nationalarchives.gov.uk/>. For re-use that is not covered by the Open Justice Licence, a computational licence can be applied for, <https://caselaw.nationalarchives.gov.uk/re-use-find-case-law-records>
- <sup>52</sup> UK Government, Court and Tribunal Hearings (CaTH) service, <https://www.court-tribunal-hearings.service.gov.uk/view-option>
- <sup>53</sup> Ministry of Justice, interview by the IRM, 26 June 2024.
- <sup>54</sup> Helen Taylor (Spotlight Corruption), interview by the IRM, 8 August 2024.
- <sup>55</sup> Helen Taylor (Spotlight Corruption), interview by the IRM, 8 August 2024.
- <sup>56</sup> Information provided to the IRM by Matthew Donnelly (Cabinet Office) during the pre-publication review of this report.
- <sup>57</sup> Helen Taylor (Spotlight Corruption), interview by the IRM, 8 August 2024.

## Section III. Participation and Co-Creation

**Stakeholders' engagement in the UK's action plan process improved significantly during implementation of the fifth action plan compared to the co-creation process. Encouraging thematic groups to meet independently of the MSF fostered proactive collaboration and focused discussions during MSF meetings. In the future, the UK could improve the consistency with which it publishes information on action plan commitments.**

The open government portfolio remained under the Central Digital and Data Office (CDDO), part of the Cabinet Office, before July 2024. It was previously part of the Government Digital Service (GDS) within the Cabinet Office. In May and June 2021, during co-creation of the fifth action plan, the CDDO separated from the GDS and became a distinct business unit. The point of contact (PoC) changed during the implementation period, with the current PoC taking up the post in October 2022. During implementation of the fifth action plan, the multi-stakeholder forum (MSF) was co-chaired on the government side by the Interim Chief Data Officer (who has since left) or by the Minister if they were in attendance, and on the civil side by the chair of the UK Open Government Network (UK OGN).<sup>58</sup> Since January 2023, the MSF met quarterly to oversee implementation of the fifth action plan.<sup>59</sup> The MSF comprises civil servants, members of the steering committee of the UK OGN and subject matter specialists. Each MSF meeting had between 35-50 participants.<sup>60</sup>

During the co-creation process, government and civil society participants explored nine themes<sup>61</sup> and thematic working groups were formed around each theme.<sup>62</sup> The levels of engagement and expertise varied by thematic working group, but the OGN chair noted that engagement was stronger than in the previous action plan.<sup>63</sup> Some thematic working groups could not agree on activities that the Cabinet Office found workable, so their topics were excluded (such as natural resources/climate change and standards and public life).<sup>64</sup> The ministerial approval for the action plan resulted in many commitment proposals having activities removed or significantly changed without explanation or consultation with non-government stakeholders. Unlike previous plans, the initial commitments in the fifth action plan did not list any civil society partners. The UK OGN criticised the last-minute changes to the action plan and the government's failure to engage civil society on key reforms.<sup>65</sup> After a meeting between the UK OGN and the Cabinet Office minister responsible for the CDDO, stakeholders added three commitments that had been excluded (ODA transparency, diversity and inclusion, and freedom of information) as amendments to the action plan. The amendment process aimed to address civil society concerns, which combined with the IRM Action Plan Review resulted in the OGP Steering Committee keeping the UK under procedural review.<sup>66</sup>

The new PoC ensured the MSF played an active role in overseeing implementation and encouraged working groups to meet independently before the MSF meetings to discuss progress.<sup>67</sup> By October 2023, most working groups and lead institutions were presenting joint updates on their commitments during MSF meetings. The CDDO also published a midterm update in April 2023 detailing the progress of the commitments.<sup>68</sup> During previous action plans, the government would present its updates, and civil society would ask questions during MSF meetings, but this new approach was more effective. This method worked better for well-established groups that could meet independently of the MSF, such as open contracting and ODA transparency.<sup>69</sup> This helped the PoC to focus their support to working groups more

effectively.<sup>70</sup> According to the PoC and the UK OGN chair, key factors that revived the MSF included the willingness of government and civil society stakeholders to improve the UK's action plan process during the action plan cycle, active listening by both sides to address issues, and developing clearer processes and timelines.

Monitoring of the action plan highlighted two key shortcomings in the action plan – lack of clearly defined milestones for many of the commitments and a lack of civil society ownership of the commitments.<sup>71</sup> This led to uneven levels of detail on the progress updates for the commitments. Some commitments, such as open contracting (Commitment 1), had more detailed updates, as the milestones were more specific than other commitments and the working group was well-established before the action plan. Others, such as diversity and inclusion (Commitment 7), had fewer updates. For the sixth action plan, the IRM recommends continuing with this more cohesive approach to communication. This could be in the form of a dedicated webpage to facilitate access to all action plan materials, including information on processes, commitment implementation and other outputs.

Civil society involvement varied by commitment.<sup>72</sup> For example, civil society was actively involved in the implementation of Commitment 1 (open contracting). While there was no stakeholder group for algorithmic transparency (Commitment 3), the government engaged stakeholders and experts while researching public perceptions of appeal mechanisms for government algorithms. To address potential knowledge gaps within the government, the UK OGN and PoC sought input from government specialists for thematic areas where ownership was weak (e.g., diversity and inclusion).<sup>73</sup> The UK OGN addressed limitations in civil society by incorporating representatives from more diverse groups.<sup>74</sup> Additionally, the UK OGN steering committee was broadened to enhance coordination and representation.<sup>75</sup>

At the January 2024 MSF meeting,<sup>76</sup> there were constructive discussions about the successes and shortcomings of the action plan's implementation.<sup>77</sup> The meeting included breakout sessions to facilitate more in-depth conversations before feeding back into the larger forum. This inclusive approach, which the UK OGN chair noted had been unimaginable 18 months prior, restored confidence in the UK's action plan process.<sup>78</sup> This progress was particularly important in rebuilding trust after the UK was placed under Procedural Review by the OGP Criteria and Standards Subcommittee.<sup>79</sup> However, the UK OGN chair also noted that conversations within smaller groups could benefit from more structure.<sup>80</sup>

This improved collaboration during implementation of the fifth action plan and continued into the co-creation of the sixth action plan (2023-2025). Civil society and government representatives acknowledged that the co-creation process for the sixth action plan was better organised than previous action plans. According to the UK OGN chair, the quality of the discussions between civil society and the government improved, with government partners being more engaged and informed throughout the process than in the previous co-creation process.<sup>81</sup>

### **Compliance with the Minimum Requirements**

The IRM assesses whether member countries met the minimum requirements under OGP's Participation and Co-Creation Standards for the purposes of procedural review.<sup>82</sup> During co-creation, the UK did not act according to the OGP process. The two minimum requirements

listed below must achieve at least the level of 'in progress' for a country to have acted according to OGP process.

Key:

Green= Meets standard

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

Red= No evidence of action

Acted according to OGP process during the implementation period?	
<p><b>The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan.</b> The UK Open Government Network (UK OGN) maintained and updated a website which contains information and evidence of action plan development and implementation through updated readouts from the MSF meetings<sup>83</sup> and thematic group meetings for each commitment.<sup>84</sup></p>	Green
<p><b>The government provided the public with information on the action plan during the implementation period.</b> The MSF met quarterly during implementation of the action plan and the meeting agendas are available on the UK OGN website. Government commitment holders and civil society<sup>85</sup> provided updates on the progress of their commitments, which were published on the website.<sup>86</sup></p>	Green

<sup>58</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.

<sup>59</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.

<sup>60</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>61</sup> These were: 1) open contracting/procurement, 2) open justice, 3) data ethics (including algorithmic transparency), 4) health, 5) freedom of information, 6) misinformation, 7) the environment (including natural resources and climate change), 8) democracy building, and 9) standards and public life. UK Open Government, Strategic discussion on open government multistakeholder forum, 9 December 2020, <https://www.opengovernment.org.uk/2021/02/15/strategic-discussion-on-open-government-multistakeholder-forum/>

<sup>62</sup> Readouts for all working group meetings were published on the OGN website, <https://www.opengovernment.org.uk/home/take-action/>

<sup>63</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>64</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>65</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.

<sup>66</sup> Open Government Partnership, Letter, August 2022, [https://www.opengovpartnership.org/wp-content/uploads/2022/08/United-Kingdom\\_Contrary-to-Process-Letter\\_20220802.pdf](https://www.opengovpartnership.org/wp-content/uploads/2022/08/United-Kingdom_Contrary-to-Process-Letter_20220802.pdf)

<sup>67</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.

<sup>68</sup> UK Open Government, Fifth National Action Plan midterm updates April 2023, <https://opengovernment.org.uk/wp-content/uploads/2023/04/UK-Fifth-National-Action-Plan-2021-2023--April-Update-2-2.pdf>

<sup>69</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024; Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.

<sup>70</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.



- <sup>71</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024; Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.
- <sup>72</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.
- <sup>73</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.
- <sup>74</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.
- <sup>75</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.
- <sup>76</sup> UK Open Government, Readout from January 2024 MSF meeting, <https://opengovernment.org.uk/2024/04/16/read-out-from-the-uk-multi-stakeholder-forum-wednesday-24th-january-2024/>
- <sup>77</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024; Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.
- <sup>78</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.
- <sup>79</sup> Open Government Partnership, Resolution of the Criteria & Standards Subcommittee regarding the Participation Status of the United Kingdom in OGP, <https://www.opengovpartnership.org/wp-content/uploads/2022/12/UK-Procedural-Review-Resolution-December-2022-CS-approved-Dec-20-2022.pdf>
- <sup>80</sup> Kevin Keith (OGN Chair), interview by the IRM, 28 June 2024.
- <sup>81</sup> Open Government Partnership, UK Action Plan Review 2023-2025, [https://www.opengovpartnership.org/wp-content/uploads/2024/08/United-Kingdom\\_Action-Plan-Review\\_2023-2025.pdf](https://www.opengovpartnership.org/wp-content/uploads/2024/08/United-Kingdom_Action-Plan-Review_2023-2025.pdf)
- <sup>82</sup> Please note that future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.
- <sup>83</sup> UK OGN website, <https://opengovernment.org.uk>
- <sup>84</sup> UK Open Government, Readout from thematic group meetings, <https://opengovernment.org.uk/home/take-action/>
- <sup>85</sup> Matthew Donnelly and Ben Gittins (Cabinet Office), interview by the IRM, 26 June 2024.
- <sup>86</sup> UK OGN website, <https://opengovernment.org.uk>

## Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the implementation of the action plan with the development of a research plan, preliminary desk research and verification of evidence provided in the country's OGP repository.<sup>87</sup>

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.<sup>88</sup> The IRM will revisit its products, process and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

### Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.<sup>89</sup> The level of completion for all commitments is assessed as one of the following:

- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

### Early Results

The IRM assesses the level of results achieved from the implementation of commitments that have a clear open government lens, a high level of completion or show evidence of achieving early results (as defined below). It considers the expected aim of the commitment prior to its implementation, the specific country context in which the commitment was implemented, the specific policy area and the changes reported.

The early results indicator establishes three levels of results:

- **No Notable Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the open government commitment led to little or no positive results. After assessing the activities carried forward during the period of implementation and its outcomes (if any), the IRM did not find meaningful changes towards:
  - improving practices, policies or institutions governing a policy area or within the public sector,
  - enhancing the enabling environment to build trust between citizens and the state.
- **Moderate Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:

- improving practices, policies or institutions governing a policy area or within the public sector, or
- enhancing the enabling environment to build trust between citizens and the state.
- **Significant Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to significant positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
  - improving practices, policies or institutions governing a policy area or within the public sector, or
  - enhancing the enabling environment to build trust between citizens and the state.

Significant positive results show clear expectations for these changes (as defined above) will be sustainable in time.

This report was prepared by the IRM in collaboration with an independent researcher and was reviewed by Andy McDevitt, IRM external expert. The IRM methodology, quality of IRM products and review process is overseen by the IRM’s International Experts Panel (IEP).<sup>90</sup> For more information on IRM methodology and processes, refer to the IRM website,<sup>91</sup> Action Plan Review methodology section or the OGP glossary.<sup>92</sup>

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<sup>87</sup> OGN website, <https://opengovernment.org.uk/>

<sup>88</sup> See OGP, *Creating OGP’s Future Together: Strategic Planning 2023–2028*, <https://www.opengovpartnership.org/creating-ogps-future-together/>

<sup>89</sup> The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses “potential for results” and “Early Results” at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

<sup>90</sup> For the latest information on the IRM International Experts Panel see, <https://www.opengovpartnership.org/about/who-we-are/international-experts-panel/>

<sup>91</sup> Open Government Partnership, *IRM Overview*, <https://www.opengovpartnership.org/irm-guidance-overview/>

<sup>92</sup> Open Government Partnership, *OGP Glossary*, <https://www.opengovpartnership.org/glossary/>

## Annex I. Commitment Data<sup>93</sup>

### Commitment 1: Open contracting

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Substantial</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> Significant results</li> </ul> |
|---|---|

This commitment is assessed in Section II above.

### Commitment 2: Open justice

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Unclear</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Early results:</b> Moderate results</li> </ul> |
|---|---|

This commitment is assessed in Section II above.

### Commitment 3: Algorithmic transparency and accountability

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Unclear</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|---|---|

This commitment aimed to improve transparency and accountability of algorithmic-assisted decisions. It had two milestones. The first was to map existing legal requirements for appeal mechanisms around algorithmic-assisted decisions. This scoping work was carried out as part of the Data Protection and Digital Information (DPDI) Bill 2022-2023. The scoping work found it inappropriate to include these appeal mechanisms while the Algorithmic Transparency Recording Standard (ATRS) was still in the pilot stage. Consequently, despite the introduction of a new DPDI Bill on 8 March 2023,<sup>94</sup> the ATRS was not ready to be included.<sup>95</sup>

The second milestone involved engaging stakeholders and experts to research public awareness and perceptions of existing appeal mechanisms. Following pilot projects and consultations, the CDDO and Centre for Data Ethics and Innovation completed the ATRS and published the UK's first algorithmic transparency reports in June 2022, on GOV.UK.<sup>96</sup> Additionally, an open call for feedback and roundtable discussions with around 100 private sector representatives gathered insights on accountability mechanisms and potential future improvements.<sup>97</sup>

### Commitment 4.1: Health data use and interoperability

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> Moderate Results</li> </ul> |
|--|--|

<p><b>Open Government lens?</b> Yes</p> <ul style="list-style-type: none"> <li>• This commitment has been unclustered from Commitment 4 (Health)</li> <li>• <b>Potential for results:</b> Unclear</li> </ul>	
<p>This commitment aimed to improve transparency and engagement around the use, standards and interoperability of health data.</p> <p>This commitment had four milestones. The first milestone, to improve the standards of engagement on health data use, was completed. In June 2022, the Department of Health and Social Care (DHSC) published "Data Saves Lives," a data strategy for health and care.<sup>98</sup> DHSC published a draft standard for public engagement in May 2023.<sup>99</sup> They also held a four-week consultation on best practices for public engagement in data research and statistics.<sup>100</sup> The second milestone aimed to provide better information on how health data is used. The "Data Saves Lives" publication outlines a 'data pact', detailing how the National Health Service (NHS) will use health and care data and what the public has the right to expect. The pact is being developed with the National Data Guardian, incorporating insights from public engagement conducted by the Patients Association.<sup>101</sup> Additionally, Understanding Patient Data produced a series of explainer videos and materials to make patient data more visible and easier for the public to understand.<sup>102</sup></p> <p>Milestones 3 and 4 were also completed. The NHS completed its Standards and Interoperability Strategy in April 2022 and published it for consultation in November 2022.<sup>103</sup> The standards have led to the release of digital playbooks that showcase open-source approaches for health and care organisations.<sup>104</sup> Additionally, a searchable directory of interoperability standards has been developed to facilitate easier access to standards for data recording, handling and exchange. Data Saves Lives plans to grant the Secretary of State for Health and Social Care the power to mandate information collection and storage standards, ensuring data is consistently meaningful.<sup>105</sup> Additionally, the NHS launched the NHS Standards Directory in August 2022 to improve visibility, accessibility and collaboration on interoperability standards, and plans to add interactive features in the future.<sup>106</sup></p>	

**Commitment 4.2: Clinical Trials**

<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• This commitment has been unclustered from Commitment 4 (Health)</li> <li>• <b>Potential for results:</b> Modest</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> Moderate results</li> </ul>
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The commitment aimed to strengthen the transparency of clinical trials. The milestones involved registering all clinical trials (starting with medicines) and monitoring and publishing metrics on performances of communities against transparency requirements for research.

The commitment's two milestones were achieved. The first milestone, automating and enhancing the registration of clinical trials of medicine, has been ongoing since January 2022.

The Health Research Authority (HRA) has implemented a system that transfers all research approved by the research ethics committee (REC) to the International Standard Randomised Controlled Trial Number (ISRCTN) registry, a free and searchable registry for proposed, ongoing and completed clinical research studies.<sup>107</sup> This initiative has led to an increase in the registration of clinical trials. There is currently no information available on how stakeholders are using this data or the impact it has had on research practices. Nevertheless, registration of clinical trials ensures that information is publicly available to inform future research and supports the 2013 Declaration of Helsinki requirement that every research study involving human subjects must be registered in a publicly accessible database before recruitment of the first subject.<sup>108</sup>

The second milestone focused on publishing a comprehensive list of clinical trials that received a favourable opinion from a REC, including all the registration details for these trials. In March 2024, the HRA published the first clinical trial registration report, containing all REC-approved clinical trial data from 2022.<sup>109</sup> As this report was published in 2024, it fell outside the implementation period (2021-2023). Thus, the IRM classifies the commitment as substantially (rather than fully) completed. The HRA delayed the publication to ensure the accuracy of the data and compliance of all parties involved. The HRA also delayed the publication to coincide with the “Make it Public” event in March 2024, a week dedicated to gathering insights on research transparency and advocating for the public benefits of transparent research.<sup>110</sup>

While this commitment is not included in the next action plan, the HRA has committed to improving the automation and registration of clinical trials and to publish annually data of clinical trials, including data from 2023 in 2025. These goals are part of the HRA’s broader strategy to promote research transparency, with the long-term objective of embedding research practice and registration requirements into research law and legislation.<sup>111</sup>

### Commitment 5: Anti-corruption and international illicit finance

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|---|

This commitment aimed to enhance the UK government’s efforts to address international corruption and illicit finance. It involved ongoing engagement with OGP’s Beneficial Ownership Leadership Group and supporting Overseas Territories in implementing publicly accessible registers of company beneficial ownership. It also aimed to involve civil society and the private sector in domestic and multilateral forums, such as the 2021 United Nations Convention against Corruption (UNCAC) Conference of States Parties and the Summit for Democracy Year of Action. Furthermore, it involved collaborating with stakeholders in developing the successor to the UK’s Anti-Corruption Strategy and a new Economic Crime Plan, as well as bolstering the transparency of asset recovery and return processes.

The UK continued to advocate for public registers of company beneficial ownership, particularly in light of global events like Russia’s invasion of Ukraine in 2022. In collaboration

with Germany and African partners, the UK supported the development of beneficial ownership registers in Africa and engaged international experts to tackle global challenges and promote transparency.<sup>112</sup> The UK also continued to assist Overseas Territories in implementing public beneficial ownership registers with Open Ownership and is evaluating the impact of a recent European Court of Justice ruling on these registers. However, there is no available evidence on the impact of these efforts on publicly accessible registers in the Overseas Territories.

The UK government has included civil society representatives in delegations to key UN anti-corruption events and holds quarterly meetings with the UK Anti-Corruption Coalition through the Joint Anti-Corruption Unit. Officials from this unit have engaged with civil society to discuss and develop the successor to the Anti-Corruption Strategy and the Economic Crime Plan.<sup>113</sup> Additionally, the government published a framework for transparent asset return<sup>114</sup> and updates its asset recovery statistical bulletin annually in September.<sup>115</sup> It has also released an asset recovery guide for international partners<sup>116</sup> and signed memorandums of understanding with countries such as the Republic of Moldova<sup>117</sup> and Nigeria<sup>118</sup> concerning asset returns.

### Commitment 6: Aid Transparency

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Early Results:</b> Moderate results</li> </ul> |
|--|---|

This commitment was added to the action plan as an amendment in August 2022. The Foreign, Commonwealth & Development Office (FCDO) aimed to strengthen the transparency and accountability of the UK's official development assistance (ODA) by publishing more aid data from the FCDO and other government departments. The FCDO also aimed to improve engagement with civil society and other stakeholders, and to improve the UK's ranking in external measures such as Publish What You Fund's Aid Transparency Index.<sup>119</sup>

All activities within this commitment were completed. Some key achievements included the resumption of monthly data publication on FCDO expenditure, which was paused due to changes in government department structures following the merger of the Department for International Development (DFID) and the Foreign and Commonwealth Office (FCO) in September 2020. Additionally, the FCDO developed a clearer approach to handling data and ensuring transparency while protecting people from harm during conflicts. This is particularly pertinent given the rise of conflicts and humanitarian crises in recent years.<sup>120</sup> They devised a strategy to address the recommendations highlighted in the 2022 Aid Transparency Index, where the FCDO was categorised as 'good'. This plan has been successfully implemented, resulting in the FCDO being ranked in the 'very good' category in the 2024 index.<sup>121</sup>

According to the FCDO, this commitment also resulted in high-quality engagement with civil society. Between September 2022 and October 2023, the FCDO held six meetings (one per quarter) with civil society to seek the latter's input on aid transparency and provided feedback on pertinent issues. These meetings helped strengthen the relationship between the FCDO

and civil society, offering the FCDO valuable feedback and insights for the next OGP action plan. They allowed the FCDO to better understand how civil society was using the data and facilitated communication with other government departments on what kinds of data to produce and how to better meet data users' needs.<sup>122</sup>

This commitment has been carried over into the sixth action plan.<sup>123</sup> Formalising and strengthening the role of CSOs in ODA oversight and monitoring could improve transparency. This could involve legislative measures to ensure CSOs have access to timely and meaningful ODA data, as well as opportunities to participate in decision-making processes related to ODA allocation and implementation. Additionally, introducing new legislation or amending existing laws to mandate rigorous and standardised reporting requirements for all government departments involved in ODA could enhance accountability and transparency.

### Commitment 7: Diversity and Inclusion

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Unclear</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|---|--|

This commitment was added to the action plan as an amendment in August 2022. The Cabinet Office, in partnership with the UK Open Government Network (UK OGN), sought to facilitate diversity and inclusion in the development of the UK's next (sixth) OGP action plan.

Four out of the five milestones (1, 2, 4 and 5) were completed to varying degrees. The commitment resulted in the establishment of a diversity and inclusion working group, comprising representatives from civil society and government. This group convened seven times beginning in April 2023 and drafted recommendations for enhancing diversity and inclusion in the co-creation process of the sixth action plan (2023-2025) based on lessons from the fifth action plan.<sup>124</sup> This resulted in reforms in the MSF, and the establishment of terms of reference aimed at enhancing the co-creation of the sixth action plan. Additionally, it formulated recommendations to guide future actions for thematic groups, focusing on transparency and support.<sup>125</sup>

While the activities were technically fulfilled, they varied from the original expectations outlined in the action plan. Several factors contributed to this discrepancy. Firstly, this commitment was introduced as an amendment to the action plan, leaving insufficient time for thorough implementation. Secondly, during the development of the fifth action plan, there was inadequate buy-in and resourcing from both government and civil society, which hindered implementation. Changes in the government's implementing team during this period further impeded progress.<sup>126</sup>

There is limited publicly available evidence to assess the impact and outcomes of this commitment.<sup>127</sup> Facilitating wider participation in the development of the UK's OGP action plans is largely internal, which could be part of the co-creation process, rather than a commitment.



**Commitment 8: Freedom of Information**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Unclear</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|---|---|

This commitment was added to the action plan as an amendment in August 2022. It aimed to establish a working group to improve public authorities' compliance with the Freedom of Information (FOI) Act, including the timeliness of responses.

A terms of reference for the working group was agreed upon in March 2023. The working group includes civil society representatives, media representatives, membership organisations such as the National Association of Data Protection and FOI Officers, academic and think tanks, the Information Commissioner's Office, and senior members from the Cabinet Office. The Cabinet Office is also working to involve volunteer organisations and the health sector in the future.<sup>128</sup> At the first meeting in July 2023, members agreed to pilot a series of seminars around FOI. The first seminar took place on 23 April 2024, focusing on the Cabinet Office's records management policies, while much of the discussion, prompted by questions from the audience, related to the handling of FOI requests.<sup>129</sup> The terms of reference and seminar updates are not publicly available, and further thought should be given to suitable transparency by this group.

Due to limited resources, this commitment is not continued in the sixth action plan. However, the working group will continue its efforts, and the Cabinet Office is considering this commitment for the seventh action plan.<sup>130</sup>

<sup>93</sup> Editorial note

1. For commitments that are clustered: The assessment of potential for results and "Early Results" is conducted at the cluster level, rather than the individual commitment level.
2. For more information on the assessment of the commitments' design, see the UK's Action Plan Review: [https://www.opengovpartnership.org/wp-content/uploads/2022/08/United-Kingdom\\_Action-Plan-Review\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2022/08/United-Kingdom_Action-Plan-Review_2021-2023.pdf)

<sup>94</sup> UK Parliament, Data Protection and Digital Information Bill, <https://bills.parliament.uk/bills/3430/publications>

<sup>95</sup> UK Open Government, UK Fifth National Action Plan 2021-2023 April 2023 update, <https://opengovernment.org.uk/wp-content/uploads/2023/04/UK-Fifth-National-Action-Plan-2021-2023--April-Update-2-2.pdf>

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- <sup>103</sup> NHS Standards Directory, <https://standards.nhs.uk>
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- <sup>121</sup> Eleanor Morgan (FCDO), interview by the IRM, 20 May 2024.
- <sup>122</sup> Eleanor Morgan (FCDO), interview by the IRM, 20 May 2024.
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