

Governance Update

SUMMARY

- 1.1 This report provides an update on the developments being made within the Council's governance framework.

RECOMMENDATION

- 2.1 To note the actions and the progress being made to enhance the governance framework.

REASONS FOR RECOMMENDATION

- 3.1 The Audit and Accounts Committee is responsible for providing assurance to the Council on the effectiveness of the governance arrangements, risk management framework and internal control environment.

SUPPORTING INFORMATION

Information Governance – Freedom of Information

- 4.1 This update on information governance covers the period 1 July 2014 to 31 August 2014.
- 4.2 The number of Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests the Council has received over the last 9 years has increased each year. Table 1 below shows the number of FOI/EIR requests received each year since FOI came into being, and the number of requests received in 2014, as at 31 August. The number of requests received in 2014 as at 31 August is 982. This is an average of 123 requests per month. This compares to an average of 101 per month in 2013.

Table 1: Number of FOI/EIR Requests Received by Calendar Year

Year	Number of FOI Requests Received
Jan - Dec 05	183
Jan - Dec 06	239
Jan - Dec 07	250
Jan - Dec 08	358
Jan - Dec 09	581
Jan - Dec 10	685
Jan – Dec 11	913
Jan – Dec 12	923
Jan – Dec 13	1,209
Jan – Aug 14	982

- 4.3 A total of 239 FOI/EIR requests have been received in the period 1 July 2014 to 31 August 2014 (206 for this period in 2013). In the same period, 230 FOI/EIR requests were completed (202 for this period in 2013). The total recorded officer time taken to complete these requests was approximately 322 hours. Based on the level of charges determined by regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the calculated charge for staff costs is £8,043.75

Note: The regulation specifies that the standard hourly rate that all authorities must use to calculate the staff costs of answering requests is £25.

The average response time per request in the period was 8 days.

4.4 Source of FOI/EIR Requests

The Council does not just receive FOI/EIR requests from members of the public. A large proportion comes from commercial organisations, local and national media and political pressure groups. An analysis of requests for information sorted by category of requester for the period from 1 July 2014 to 31 August 2014 is shown in Table 2. Table 3 breaks these same figures down by the Council Directorate responsible for supplying the information.

Table 2: Number of FOI/EIR Requests by category of requester

FOI Request from	July 2014	Aug 2014
Commercial	32	32
Media	22	18
Personal	61	64
Other Local Authority	2	2
Political	2	4
Total	119	120

Table 3: Number of FOI/EIR Requests by Lead Directorate

Directorate	July 2014	Aug 2014
Adults, Health & Housing	14	14
Chief Executive's Office	1	3
Children & Young People	19	12
Neighbourhoods	34	35
Resources	47	53
Public Health	3	2
Council Wide	1	1
Total	119	120

4.5 FOI/EIR Appeals

To date in 2014, 6 requestors have exercised their right of appeal under the Freedom of Information Act and Environmental Information Regulations. All appeals are considered by the Head of Governance and Assurance. Two of the 6 appeals have been upheld.

At the last meeting it was reported that the Information Commissioner's Office (ICO) had written to the Council in respect of one of the appeals that was not upheld. The council has now received the ICO's Decision Notice which stated that Derby City Council "has correctly confirmed that no further information is held and that it does not hold the information and that in doing so, it complied with section 1(1) of the FOIA." The information requestor has now appealed the ICO's decision to the First-tier Tribunal (Information Rights).

Information Governance – Data Protection

- 4.6 The council is still awaiting the outcome from the Information Commissioner's Office (ICO) in relation to a disclosure of personal data which the Council notified to them in October 2013.

Compliance with the NHS Information Governance Toolkit

- 4.7 Committee were informed of the issues the council was experiencing in respect of compliance with the NHS Information Governance (IG) toolkit at its meeting on 9 July.
- 4.8 To maintain access to the systems, the Council needs to attain Level 2 compliance across the 40 requirements. This involves a major exercise in aligning the Council's current information governance arrangements with the standards set by the Department of Health. A project has been undertaken to identify the relevant supporting document for each of the requirements and then to identify whether the Council will be able to attained compliance at level 2 for each requirement. Currently the Council will not comply with the NHS IG toolkit. The report is attached at appendix 2. The Director of Public Health will be attending the meeting to discuss the issue in more detail.

Insurance & Risk Management

Insurance

- 4.9 The half yearly report on insurance, including statistics on claims, will be brought to the November meeting of the Committee.

Risk Management

- 4.10 The Chair of this Committee met with the Strategic Director of Neighbourhoods and the Head of Governance & Assurance on 17 July 2014 to discuss risk management and to outline the Committee's role in reviewing the risk management process. The chair will be a member of the re-constituted Risk Management Group. The first meeting is planned for mid-October.

Whistleblowing

- 4.11 There have been 2 disclosures made under the Council's Whistleblowing policy in the last period. These are being investigated by the Director of Legal and Democratic Services and the Head of Governance and Assurance.

Anti-Money Laundering

- 4.12 There have been no instances reported to the Anti-Money Laundering Reporting Officer in the last period.

Bribery Act 2010

- 4.13 There have been no reports of suspicions of bribery made under the Anti-Bribery Policy in the last period.

Regulation of Investigatory Powers Act

- 4.14 The Council has a statutory obligation to provide a quarterly update to Elected Members in respect of its use of covert surveillance. There has been one authorisation for the use of covert surveillance made under RIPA in the last quarter which was approved by Magistrates.

National Fraud Initiative (NFI)

- 4.15 There are still a small number of matches from the 2012/13 exercise being resolved. As at 1 September 2014, 26.1% of all matches had been resolved (3116 cases of 11,577). Of the "mandatory" matches, 82.95% had been cleared (2666 cases from 3214) with a further 22 still in progress. £188,859.90 has been identified for recovery from this NFI cycle.
- 4.16 The interim exercise, where Council Tax records are matched against the Electoral Roll is also still being progressed. To date £29,843.35 has been identified as incorrect Single Person Discount claims. The Council has processed 195 cases from a total of 2,409, with a further 114 cases still in progress.
- 4.17 The new cycle of extractions is due to be submitted on 6 October 2014. This will be the last cycle run under the auspices of the Audit Commission before the NFI exercise passes to the Cabinet Office. Council Tax to Electoral Roll matches are being included in this cycle again, as opposed to being treated as a separate item as in previous years. Preparations are underway and the relevant officers have been notified of the data requirements and timetable. The results from this exercise are due for release on 29 January 2015.

OTHER OPTIONS CONSIDERED

- 5.1 N/A

This report has been approved by the following officers:

Legal officer	N/A
Financial officer	N/A
Human Resources officer	N/A
Estates/Property officer	N/A
Service Director(s)	N/A
Other(s)	N/A

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Compliance with NHS IT Toolkit - Report

IMPLICATIONS

Financial and Value for Money

- 1.1 The charge for Unitary Councils participating in the National Fraud Initiative 2014/15 is £3,650. The fees are the same as for the 2012/13 NFI exercise.

Legal

- 2.1 None directly arising

Personnel

- 3.1 None directly arising

IT

- 4.1 None directly arising

Equalities Impact

- 5.1 None directly arising

Health and Safety

- 6.1 None directly arising

Environmental Sustainability

- 7.1 None directly arising

Property and Asset Management

- 8.1 None directly arising

Risk Management

- 9.1 Governance risks are monitored through the strategic risk register.

Corporate objectives and priorities for change

- 10.1 The functions of the Committee have been established to support delivery of corporate objectives by enhancing scrutiny of various aspects of the Council's controls and governance arrangements.