

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 September 2014 to 31 October 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 October. The number of requests received in 2014 as at 31 October is 1,170. This is an average of 117 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 – Oct 14	1,170

- 4.3 A total of 188 FOI/EIR requests have been received in the period 1 September 2014 to 31 October 2014 (204 for this period in 2013). In the same period, 214 FOI/EIR requests were completed (193 for this period in 2013). The total recorded officer time taken to complete these requests was approximately 302 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 £7,558.33

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 8.27 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 September 2014 to 31 October 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	Sept 2014	Oct 2014
Commercial	17	31
Media	12	11
Personal	58	48
Other Local Authority	0	2
Political	3	6
Total	90	98

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

Directorate	Sept 2014	Oct 2014
Adults, Health & Housing	12	9
Chief Executive's Office	3	3
Children & Young People	9	16
Neighbourhoods	25	31
Resources	38	34
Public Health	2	2
Council Wide	1	3
Total	90	98

4.5 FOI/EIR Appeals

No appeals were received in the period. 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 and 2 have been partially upheld. One of the 2 requests that were not upheld was appealed to the ICO. The ICO have reviewed the request and have agreed with the outcome of the internal appeal.

Information Governance – Data Protection

- 4.6 The Information Governance Team has received 48 Subject Access Requests in 2014. This figure does not reflect any requests where the team has determined that the Council does not hold the personal records i.e. where the request refers to records that relate to Derbyshire County Council. It also does not include requests from employees for access to their personal records.
- 4.7 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. Following an internal investigation, the Council has notified the ICO of a further Data Protection Act breach that happened in June 2014.

Compliance with the NHS Information Governance Toolkit

- 4.8 This is covered in a separate report.

Insurance & Risk Management

- 4.9 This is covered in a separate report

Whistleblowing

- 4.10 There has been 1 disclosure made under the Council's Whistleblowing policy in the last period. An initial review has been carried out by the Head of Governance and Assurance.

Anti-Money Laundering

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

Bribery Act 2010

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

Regulation of Investigatory Powers Act

- 4.13 The Council has a statutory obligation to provide a quarterly update to Elected Members in respect of its use of covert surveillance. There have not been any authorisations for the use of covert surveillance made under RIPA in the last quarter.

National Fraud Initiative (NFI)

- 4.14 The new cycle of extractions was 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, although they will be submitted via the flexible matching service which has a faster turnaround time than the main system. 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)	Chief Officer Group
For more information contact:	Richard Boneham, Head of Governance and Assurance, 01332 643280 richard.boneham@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications

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.