

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 January 2015 to 28 February 2015.
- 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 2015, as at 28 February. The number of requests received in 2015 as at 28 February is 232. This is an average of 116 requests per month. This compares to an average of 113 per month in 2014.

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 – Dec 14	1,360
Jan – Feb 15	232

- 4.3 A total of 232FOI/EIR requests have been received in the period 1 January 2015 to 28 February 2015(291 for this period in 2014). In the same period, 167FOI/EIR requests were completed (252 for this period in 2014). The total recorded officer time taken to complete these requests was approximately 246hours. 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 £6,156

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 9.18days. This compares to 7.31 days for the same period in 2014 (and 9 days for 2014 as a whole).

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 January 2015 to 28 February 2015 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	Jan 2015	Feb 2015
Commercial	26	23
Media	19	22
Personal	65	74
Other Local Authority	1	0
Political	1	1
Total	112	120

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

Directorate	Jan 2015	Feb 2015
Adults, Health & Housing	17	19
Chief Executive's Office	6	3
Children & Young People	14	18
Neighbourhoods	32	1
Resources	38	33
Public Health	3	1
Council Wide	2	45
Total	112	120

4.5 FOI/EIR Appeals

There havenot been any appeals received in the period.

Information Governance – Information Commissioner’s Office

- 4.6 It was reported to the February 2015 Committee meeting in the Fol Annual Report 2014 that the ICO had notified the Council that it would no longer be pursuing a criminal investigation in respect of the non-disclosure of information by the Council to which a requester was entitled, contrary to section 77 of the Freedom of Information Act 2000. The ICO did however inform the Council this issue had been passed to the its Performance Improvement Department for them to assess whether any other action may be taken as a result of the Council’s handling of information requests.
- 4.7 The Council has now received notification from the ICO that it wants to ensure that the Council has adequate procedures in place for dealing with Fol requests. The ICO has produced an action plan which identifies their concerns and sets out a range of steps for the council to take. The purpose is not punitive but provides for the ICO to work with the council to make sure that future Fol requests are handled properly.

Information Governance – Data Protection

- 4.8 The Information Governance Team has received 11 Subject Access Requests in the first 2 months of 2015. 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.
- 4.9 The Head of Governance and Assurance continues to assist the Information Commissioner’s Office (ICO) in relation to the 2 disclosures of personal data which happened in October 2013 and June 2014.

Compliance with the NHS Information Governance Toolkit

- 4.10 Committee has been made aware of the issues around compliance with the toolkit at previous meetings. The Council is required to complete the online submission by 31 March 2015.

Insurance & Risk Management

4.11 The Risk Management Board met on 19 February 2015. The key outcomes from the meeting were:

- The Risk Management Handbook is to be reviewed and refreshed.
- A report is taken to the next Board meeting on an appropriate level of risk appetite/tolerance.
- The Board wants to review the risk register matrix.
- The purchase of the risk module for the Council's Performance System is explored.

The "Risk ladder" will provide a framework for the Council to evidence the "successfulness" of its risk management process.

Whistleblowing

4.12 There has been 1 disclosure made under the Council's Whistleblowing policy in the last period.

Anti-Money Laundering

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

Bribery Act 2010

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

Regulation of Investigatory Powers Act

4.15 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)

- 4.16 It was reported to committee at the meeting on December 2014, that the new cycle of extractions for the national Fraud Initiative had been submitted on 6 October 2014. The matches from this uploading exercise were released on 29 January 2015. A total of 9872 matches were produced, across a variety of areas. These are shown in table 4 below:

Table 4: NFI Matches

	Number of Matches
Housing benefit	2288
Payroll	172
Mixed sources (eg payroll to creditors)	174
Housing	41
Concessionary travel permits	733
Blue badge permits	1025
Residents parking permits	3
Residential care home	96
Markets	6
Right to buy	1
Personal budgets	29
Creditors	4826
Multiple entries (the matched individual appears on more than one report)	478

- 4.17 As at 5 March 2015, a number of matches had been resolved.
- The Residential care home matches had all been investigated and a report submitted on the results.
 - The Residents parking matches and the Personal budget matches were all under investigation
 - work had also commenced on the Housing benefit matches.
 - One of the two Mixed Source reports had been cleared and work was being undertaken on clearing the second.

No frauds or savings had been reported at this stage.

- 4.18 In addition to those matches identifies in table 4, there has been an earlier release (in December 2014), of Council Tax to Electoral Roll matches. There were 2582 matches reported of which 36 had been resolved giving rise to a saving of £2728.59. Work is still progressing on these cases. For comparison, the same exercise carried out in February 2014 generated 2401 matches of which 577 had been cleared, generating £92,124.79 savings. The nature of NFI matches are such that an early resolution is not always possible, so progress in clearing matches can take some time.

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

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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.