

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

Internal Audit Shared Service

- 4.1 The start date for the shared internal audit service with South Derbyshire District Council has been deferred until 1 December 2011. The delay is due to a number of issues that need to be addressed before the transfer of staff could take place.

Information Governance

- 4.2 This quarterly update on information governance covers the period 1 September to 31 October 2011. An annual report on information governance will be presented to Committee in February 2012.

4.3 Freedom of Information - FOI

The number of FOI requests the Council receives each year is increasing. Table 1 below shows the increase in FOI requests over the past 6 years. For 2011, based on the current average of 75 requests per month, the estimate is that the Council will receive around 900 requests for information.

Table 1: Number of FOI Requests Received by Calendar Year

Year	Number of FOI Requests
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 – Oct 11	755

4.4. Source of FOI Requests

The Council does not just receive FOI 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 2011 to 31 October 2011 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 Requests by Category of Requester

FOI Request From	Sept 2011	Oct 2011
Commercial	16	25
Media	23	16
Personal	33	33
Other Local Authority	1	1
Political	4	2
Total	77	77

Table 3: Number of FOI Requests by Lead Directorate

Directorate	Sept 2011	Oct 2011
Adults, Health & Housing	5	7
Chief Executive's Office	3	2
Children & Young People	14	15
Neighbourhoods	30	25
Resources	25	28
Council Wide		
Total	77	77

4.5 Cost to the Council of FOI Requests

At the September meeting of this Committee, Members asked about the cost to the Council of dealing with Freedom of Information requests. When calculating the cost of FOI requests to the Council, the fees regulations say that we can only use a calculation of £25 per hour per person regardless of the actual cost or rate of pay of the officer completing the request. The FOI team calculation is based on an average time taken as being 30 minutes per request. Table 4 below provides the cost to the Council of FOI requests for the month of September 2011. October costs have not yet been calculated as there are requests still to be completed within statutory time limits.

Table 4: Cost of FOI Requests

September 2011	Time	Cost
Officer time taken @ £25 per hour	115.20	2883.33
FOI team time taken @ £25 per hour	39.00	975.00
TOTAL	154.20	£3858.33

4.6 Most Common FOI Requests

Appendix 2 contains details of the most common FOI requests received for the period June 2008 – June 2011. The FOI team has produced this to help identify and inform the Council about what information it holds that could be proactively published or included in the Publication Scheme. This would then negate the need for busy teams to spend their time formally responding to FOI requests within the constraints of a 20 day time frame.

4.7 Data Transparency

The recent consultation on Open Data has reinforced the Government's principle that open data is the key to delivering open public services as it supports the provision of real, effective choice. In September, the Code of Recommended Practice for Local Authorities on data transparency was published. The Code is attached at Appendix 3. The Policy, Research and Engagement Division are currently looking at the level of compliance with the Code and will be reporting their findings to Chief Officer Group.

4.8 Data protection Issues

The City Council has always taken and continues to take the confidentiality and security of personal information very seriously. However, there are occasions when a data security breach or a failure to comply with Data protection legislation has occurred. Recent cases are:

- On 1 November, an email was sent by the Council on changes to cardboard recycling which contained the personal email addresses of 1300+ individuals. Normally these addresses would have been used under bcc. However a mistake was made and the addresses were visible to all recipients. We are carrying out an investigation into this issue and a report will be provided to the Strategic Director - Resources next week. We have not notified the Information Commissioner's Office at this stage. This decision is based on ICO guidance which states that "the potential harm to individuals is the overriding consideration in deciding whether a breach of data security should be reported to the ICO". Given that there are no other personal identifiers other than email addresses being disclosed, we believe there is little risk that individuals would suffer significant harm. However, if the ICO becomes aware of the issue, through the media, I would expect them to contact us to ascertain what actions we have taken/propose to take to mitigate future occurrences.
- When a disability review is carried out, the normal practice is to put the report in the child's bag for them to take home. We have had a case where an error was made and the report was put into the wrong child's bag. An immediate change to process has been agreed with senior staff and this new process will be written up for all staff to follow. Information security training has been carried out.

- On 4 November an employee dismissal was upheld on appeal. The employee was dismissed for breaching the Data Protection Act 1998. It was alleged that the employee had taken email addresses that our customers had given to Derby City Council and used them for the purpose of promoting his own private business. Although there was no physical proof, the dismissal was upheld on the balance of probabilities. This dismissal will be reported to the Information Commissioner's Office.

Risk Management

4.9 Assessment of the Risk Management Framework

To assess the overall adequacy of the Council's risk management framework, we invited the Strategic Risk Practice at our insurers Zurich Municipal to undertake a strategic document "desk-top" review. This encompassed:

- A review of key documentation against industry best practice and guidance
- Stakeholder meetings with key officers to ascertain the Council's current approach to risk management; and
- Production of a risk management health check report, identifying existing best practice and where applicable challenging the current approach in a positive and constructive manner.

4.10 Insurance and Risk Management Training

As part of our targeted risk management training events undertaken in conjunction with Zurich Municipal, we are intending to run a number of training sessions focusing on reputational risks and their impact. The workshop is designed to be a proactive, learning session where delegates will examine the value of understanding and assessing the impact of reputational risks. The outcome from the workshop will therefore be an increased awareness and understanding of reputational risks and the techniques for managing them.

In February 2012 we intend to run a mock trial to offer practical guidance to members of the Highways and Parks teams who may be required to participate in a court case. It is designed to highlight to the attendees the importance of thorough evidence and how a witness should react in a court room situation. A Partner from the law firm Berrymans Lace Mawer is playing the role of the judge whilst other members of the legal profession will be sharing their knowledge and experience as standard inquest proceedings are followed.

Fraud and Corruption

4.11 National Fraud Initiative

Work is still ongoing with the NFI matches issued in January 2011. As reported previously, although progress is slow, many areas have been cleared in full.

A new extract of Council Tax data has been prepared and submitted. This will be matched against Electoral Roll data to identify potential cases of fraudulent or erroneous Single Person Discount claims, and will also provide information

for data cleansing purposes to both teams. The Electoral Roll data is due to be submitted in Early December and the matches are due back from the Audit Commission in March 2012.

4.12 Anti-Fraud Related Work

The Head of Governance and Assurance is currently working with the Communications Division to produce material for members and employees to raise awareness on the risk of fraud and how to report it.

OTHER OPTIONS CONSIDERED

5.1 N/A

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	
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For more information contact: Background papers: List of appendices:	Richard Boneham, Head of Governance and Assurance, 01332 643280 richard.boneham@derby.gov.uk None Appendix 1 – Implications Appendix 2 – List of Common FOI Requests Appendix 3 – Code of Recommended Practice for Local Authorities on Data Transparency
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IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising

Legal

- 2.1 None directly arising

Personnel

- 3.1 None directly arising

Equalities Impact

- 4.1 None directly arising.

Health and Safety

- 5.1 None directly arising.

Environmental Sustainability

- 6.1 None directly arising.

Asset Management

- 7.1 None directly arising.

Risk Management

- 8.1 The effective management of risk is a core principle of good governance.

Corporate objectives and priorities for change

- 9.1 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.

List of Common Freedom of Information Requests (June 2008 – June 2011)

Pensions

- How many employees retired
- How many employees took early voluntary retirement
- Balance of the pension fund
- Payment contributions by DCC

Oversees visits

- Overseas travel by Councillors & officers to include date of travel, destination, duration of trip, mode of transport and total cost

Dismissals/Disciplinary/Grievances

- Number of employees suspended/dismissed/made redundant
- Number of grievances raised
- Number of complaints and reasons raised by employees
- Cost of dealing with unfair dismissal cases

Employee numbers/grades/sickness

- Total FTE numbers temp/perm
- Number of employees with salaries of £50K and over £100K (**already published through open data**)
- Total salaries
- Pay scales
- List of all posts
- No of overseas social workers employed
- Total number of social worker posts
- Number of vacant social worker posts
- Total number of teachers
- Total number of teachers off sick, include duration
- Number of teachers suspended
- Number of contractors/consultants
- Number of employees taking sick leave
- Cost of sickness

- Total amount and cost of overpayments

Employee Benefits

- Mileage rates paid to employees
- Expenses claimed by CEO
- Annual leave available to employees
- Total of bonus payments

Recruitment/organisation charts

- Total amount paid to recruitment agencies
- Average cost of recruitment
- List of job vacancies advertised
- Full structure/organisational charts with job titles of every post

Regulation of Investigatory Powers Act (RIPA)

- Number of times/reasons powers are invoked
- Number of employees and grades of staff who can authorise requests

Civic Car

- Cost of running civic car

Democratic services/Electoral services

- Name/address of every registered polling station
- Number of employees used to staff polling stations
- Number of people on full & edited register

Councillors

- Breakdown of Councillors allowances & expenses (**already published through CMIS**)

NNDR – non domestic rates

- List of all non domestic rate accounts in credit
- Details of current Bailiff Service provider
- List of non domestic rate accounts with a rateable value below £15K not in receipt of small business rate relief
- Addresses and rateable value of empty commercial properties

Council Tax

- Total outstanding council tax broken down by ward
- Total amount collected/total amount written off

Benefits

- Total amount of benefit paid out

- Highest weekly/monthly payment
- Number of benefit claimants

Finance

- Breakdown of council money invested in foreign banks or other financial institutions
- Budget
- Value of savings and investments
- Total cost of all translation services including BSL interpreting services
- Cost of consultants

Procurement

- List of approved suppliers/framework agreements
- Contracts register

ICT

- Total ICT expenditure
- ICT strategy

Older people residential care/home care

- Homecare rates
- Names of homecare providers

Empty properties

- List of empty/vacant residential properties (owned by commercial companies only)
- List of empty/vacant commercial properties

Disabilities

- Number of applications made for disabled facilities grant
- Cost of Learning Disability service

Anti-social behaviour

- Breakdown of anti-social behaviour awards issued (or equivalent)

Schools - Exclusions

- Breakdown of permanent and temporary exclusions from both primary and secondary school with reasons/duration

Child protection/children looked after

- Number of unaccompanied child asylum seekers in care
- Total number of children looked after
- Numbers of children taken into care/reasons/broken down by age
- Numbers of children taken into care on interim care orders and emergency protection orders

- Number of children on 'at risk' register
- Executive summaries of serious case reviews
- No of child abuse cases investigated

Home education

- Numbers of primary and secondary children home educated

School places/catchment areas

- Allocation breakdown of all school places
- Number of applications received by school
- Catchment areas by school

Waste management

- How much household waste is recycled
- Prosecutions/fines/warnings for breaches of bin & recycling rules

Environmental health

- Number of noise abatement notices issues
- Details of deceased individuals who have no next of kin and are referred to Treasury Solicitor

Taxi licensing/drivers

- Number of private hire/hackney carriage licences issued
- Details of taxi drivers criminal convictions
- Details of complaints made against taxi drivers

Sport & Leisure

- List of council owned sports facilities
- Maintenance plans for sports facilities

Planning

- S106 expenditure breakdown and allocation
- Number of planning applications received

Parking

- Number of traffic penalty notices issued
- Number of parking tickets issued
- Income generated by parking fines
- Income generated by parking spaces/car parks
- Number of successful appeals against parking tickets