

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 2013 to 28 February 2013.
- 4.2 The number of Freedom of Information (FOI) requests the Council has received over the last 8 years has increased each year. Table 1 below shows the number of FOI requests received each year since FOI came into being, and the number of requests received in 2013, as at 28 February. The number of requests received in 2013 is 186. This is an average of 93 requests per month. This compares to an average of 77 per month in 2012.

Table 1: Number of FOI 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 - Feb 13	186

- 4.3 A total of 174 requests were completed during January and February 2013. The total recorded officer time taken to deal with these requests was approximately 320 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 £8,005.

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

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 Jan 2013 to 28 Feb 2013 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	Jan 2013	Feb 2013
Commercial	31	24
Media	13	14
Personal	56	37
Other Local Authority		2
Political	3	6
Total	103	83

Table 3: Number of FOI Requests by Lead Directorate

Directorate	Jan 2013	Feb 2013
Adults, Health & Housing	10	15
Chief Executive's Office	7	7
Children & Young People	9	7
Neighbourhoods	34	18
Resources	38	34
Council Wide	5	2
Total	103	83

4.5 FOI Appeals

To date in 2013, 4 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. Following his review of each FOI appeals, the Head of Governance and Assurance has determined that 2 of the appeals should be upheld.

Information Governance – Data Protection

- 4.6 The mandatory data protection e-learning programme has now been rolled to all directorates via Service Directors and Heads of Service. The Head of Governance and Assurance will provide members with a verbal update on progress at the meeting.

Information Governance - Framework

- 4.7 The Information Governance framework sets out the way the Council handles information, in particular, the personal and sensitive data relating to our customers and employees. The framework determines how we collect and store data, and specifies how the data is used and when it can be shared. The Council's information governance framework is shown in appendix 2. The structure follows that outlined in the local authority version of the NHS information governance toolkit.

Risk Management

- 4.8 The Strategic Risk Register is currently being reviewed by Chief Officer Group. The review has consisted of a re-evaluation of the current risk register to determine which risks are still relevant and to horizon scan to determine what new or emerging risks should be included in the revised register. The following risks will be removed from the register as they no longer deemed to be a risk, or have been downgraded to an operational risk:

SR6 – There is insufficient expertise in commissioning services and contract management within the Council (operational risk)

SR7 – No one political party has the balance of power (removed)

SR9 – The Council's partnership risks are not being properly assessed and controlled (operational risk).

SR11 – The new Council offices are not completed on schedule and not to budget (removed).

- 4.9 The strategic risk register will be brought to the June meeting of the Committee for consideration.
- 4.10 Operational risk registers are being reviewed as part of the business planning process.

National Fraud Initiative (NFI)

- 4.11 The most recent NFI cycle began in October 2012 with data being submitted to the Audit Commission. The data was matched and the majority of the resulting reports were issued to individual authorities for checking on 29 January 2013, with a small number being released on 11 February 2013. As in previous cycles, some reports contain "mandatory" matches where the Audit Commission require a response.

- 4.12 The reports to be checked have been distributed to the relevant services and work is on-going. These are:

Table 4: Number of matches

Service	Number of reports	Number of matches	Number of "mandatory" responses required
Housing benefit	43	2710	544
Payroll	5	103	4
Derby Homes	6	162	137
Blue badges	2	360	320
Residential care homes	1	112	32
Creditors	10	6424	592
Mixed data source reports	5	205	94
TOTAL	72	10076	1723

- 4.13 As has been the case in previous NFI exercises, there are a high number of creditors matches. This is due to many suppliers being listed twice, as they are suppliers to both the Council and schools.
- 4.14 The total number of matches for the Council to investigate has reduced from 14,542 in 2010/11 to 10,076 in this cycle. Those matches designated as mandatory matches have also reduced from 1961 to 1723.

Regulation of Investigatory Powers Act 2000

- 4.15 The Legal & Democratic Services Business Plan makes provision for annual reporting of the Council's compliance with its corporate Regulation of Investigatory Powers Act 2000 (RIPA) policy. Coincidentally, the Office of the Surveillance Commissioner's (OSC) oversight inspection is scheduled for 12 April 2013. The intention is to provide the report at the June meeting of the committee, to include feedback from the inspector's visit.

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 Appendix 2 – Information Governance Framework

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

Property and 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.

L1 **Information Governance Framework**

L2 **Information Governance Management**

- L3 IG Strategy document
- Governance Board TOR
- Information Asset Register
- Serious incident Policy

L2 **Confidentiality & Data Protection Assurance**

- L3 Principles & Obligations
- Data Protection Act Policy
 - L4 Data Protection operational guidance
- Accessing & Storing Data
- Records Retention schedule
- Records management policy/strategy
- Protective marking scheme/Classification
- DPA/Caldicott Guidance
- Confidential waste disposal
- Business Impact Levels
- Register of Information Sharing Agreements
- Privacy impact assessments new systems

L2 **Information Security Assurance**

- L3 Information security policy
- Password policy
- Network, Email & Internet User policy/electronic mail
- Mail handling procedures
- Monitoring policy
- IT Security
 - L4 Anti-Virus Policy
 - Desktop and Laptop computer security policy
 - Starters & Leavers
- Rules
- Home & remote working policy
- BYOD
- Mobile computing
- Code of Connect compliance documentation
- User access management policies

L2 **Action Plan**