AUDIT & ACCOUNTS COMMITTEE
29September 2015

ITEM 12

Report of the Head of Governance & Assurance

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 June 2015 to 31August 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 31 August. The number of requests received in 2015as at 31 Augustis 891. This is an averageof 111.4requests 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/EIR 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 – Aug 15	891

4.3   A total of 336 FOI/EIR requests have been received in the period 1 June 2015 to 31August 2015(341 for this period in 2014). In the same period, 352FOI/EIR requests were completed (356 for this period in 2014). The total recorded officer time taken to complete these requests was approximately 515hours05 mins. 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 £12,877.08
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 8days. This compares to an average of 9 days for 2014.

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 June 2015 to 31 August 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	June 2015	July 2015	Aug 2015
Commercial	37	26	28
Media	14	18	36
Personal	48	55	41
Other Local Authority	0	2	2
Third sector/Voluntary	6	7	5
Political	3	2	6
Total	**108**	**110**	**118**

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

Directorate	June 2015	July 2015	Aug 2015
Adults, Health & Housing	16	12	15
Chief Executive's Office	2	1	4
Children & Young People	15	23	20
Neighbourhoods	27	35	42
Resources	43	33	33
Public Health	1	3	1
Council Wide	4	3	3
Total	**108**	**110**	**118**

4.5   FOI/EIR Appeals

There have been no appeals in the 3 month period covered by this report.

Information Governance – Information Commissioner's Office

4.6   It was reported to the March 2015 Committeemeeting that the Council had received notification from the Information Commissioner'sOffice (ICO) that it wanted to ensure thatthe Council has adequate procedures in place for dealing with FoI requests. The ICO had produced an action plan which identified their concerns and set out a range of steps for the council to take. Thepurpose is not punitive but provides for the ICO to work with the council to make surethat futureFoI requests are handled properly.

4.7   Another requirement of the Action Plan with the ICO was that the Council would "take steps to ensure that all employees who deal with correspondence, or otherwise may be required to provide information, are familiar with the requirements of the FOIA, the EIR and associated Codes of Practice, and that appropriate training is provided". The Council has mandatory training in place for employees around information governance, but no FoI/EIR specific training. To help achieve this area of the action plan, the Council procured FoI specialists from Geldards LLP to produce and deliver the training. The training is currently being delivered to employees.

4.8   To date the Council has made 5 returns to the ICO covering the FoIs received and responded to for the period 1 March 2015 to 31 July 2015. In the 5monthly returns to date,the statutory timeframe has not been exceeded.

Information Governance – Data Protection

4.9   The Information Governance Team has received15 Subject Access Requests in the period from 1 June 2015 to 31 August2015. 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. Ten requests have been completed, With regard to the other 14 SARs, 3 are on hold (awaiting proof of identity) and 4 are still in progress.

4.10   The Head of Governance and Assurance has not received any further feedback from the ICO in relation to the2 disclosures of personal data which happened in October 2013 and June 2014.

Compliance with the NHS Information Governance Toolkit

4.11   Committee has been made aware of the issues around compliance with the toolkit at previous meetings. The issue was also reported in the 2013/14 Annual Governance Statement.

4.12   As reported to the July meeting, the Council achieved a score of 39%, which is graded as "not satisfactory".An IG Toolkit Working Group has now been established to progress the work required to achieve compliance.

Insurance &Risk Management

4.13   Work is continuing on refreshing the Council's risk management framework. As part of the development process, a risk workshop was held in July for key operational managers which identified a number of barriers and challenges:

- Lack of strategic vision and structure

- Differing risk appetites across the organisation; no strategic appetite agreed and communicated

- Political influences can entail differing risk priorities: e.g. financial vs reputational

- Political cycle does not support long term strategic decisions

- Resource concerns: who will undertake the work

- Risk management can be perceived as onerous or over-administrated

- Lack of corporate ownership of risk management and escalated risks

- Historic reluctance to report red risks/'bad news'

- Risk is not linked to KPIs

- Risk management viewed as 'tick-box' exercise and full benefits not realised

4.14   These barriers and challenges will be evaluated by the Strategic Risk Group and actions drawn up to address them.

Whistleblowing

4.15   There havebeen 3 disclosures made under the Council's Whistleblowing policy in the last period.

Anti-Money Laundering

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

Bribery Act 2010

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

Regulation of Investigatory Powers Act

4.18 The Council has a statutory obligation to provide a quarterly update to Elected Members in respect of its use of covert surveillance. There have notbeen anyauthorisations for the use of covert surveillance made under RIPA in the last period.

National Fraud Initiative (NFI)

4.19 Work is continuing on clearing the matches released in January 2015. The tables below shows the number of matches reported, and the percentages cleared. The NFI team do not expect 100% clearance of all matches.

Table 5: NFI Matches

Service	Total number of matches	"Mandatory" matches
Housing benefit	2358	798
Payroll	180	1
Derby Homes	90	16
Blue badges	1025	980
Residential care homes	96	49
Creditors	4826	440
Residents parking	3	3
Concessionary travel	733	731
Mixed data source reports	174	70
Markets	6	0
Personal budgets	29	4
Council Tax Relief	17	0
TOTAL	**9537**	**3092**

4.20 As at 7 September 2015, the number of cases cleared were:

Table 6: Cleared cases

Service	Number of matches cleared	Number of "mandatory" responses cleared	Percentage cleared	
			total	mandatory
Housing benefit	75	46	3.2%	5.8%
Payroll	177	1	98.3%	100%
Derby Homes	6	1	6.7%	6.25%
Blue badges	701	701	68.4%	71.5%
Residential care homes	96	49	100%	100%
Creditors	35	17	0.7%	3.9%
Residents parking	3	3	100%	100%
Concessionary travel	8	8	1%	1%
Mixed data source reports	174	70	100%	100%
Markets	0	0	0%	0%
Personal budgets	8	4	27.6%	100%
Council Tax Relief	0	0	0	0
TOTAL	**1283**	**900**	13.5%	29.1%

4.21 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, and many matches appear on several reports. As a result, the matches checked are done on a "sample" basis as they have proved unproductive in the past.

4.22 The benefit matches usually produce the majority of the recovered sums, but take the longest to investigate.

4.23 As at 7 September 2015, a total of £2354.00 had been identified as overpaid in personal budgets. This was 1 case which had been identified as an error.

4.24 Matches between Council Tax and Electoral Roll records are now performed on an annual basis. As at 7 September 2015, the clearance status on these records were:

Table 7: Council Tax/Electoral Register Matches

Dataset released February 2014	Total matches	Matches Cleared
Council Tax to Electoral Roll	2020	371
Council Tax rising 18	381	248
TOTAL	**2401**	**619**
Dataset released December 2014		
Council Tax to electoral roll	2452	225
Council tax rising 18	130	0
TOTAL	**2582**	**225**

4.25 The total clawed back following these exercises is £96,405.48 and £44,512.67 respectively.

4.26 A further extract of Council Tax and Electoral Roll data is due to take place in October and December respectively

Anti-Fraud & Corruption

4.27 In the report to the July Committee, Members were briefed on the 2 fraud surveys the Council had completed, together with the responses provided. The national report relating to The European Institute for Combatting Corruption and Fraud (TEICAFF) Annual Fraud Survey called "Protecting the English Public Purse" is a separate report on the agenda.

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.