AUDIT & ACCOUNTS COMMITTEE
2December 2015

ITEM 7

Joint Report of the Director of Governance and
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

Governance Working Group

4.1   Members will recall that an officer Governance Working Group has been established to drive significant improvements across a wide range of corporate governance issues. The Group is chaired by the Director of Governance and consists of a number of senior officers from across the Council with responsibilities for the key elements of corporate governance.

4.2   It was reported in the Annual Governance Statement 2014/15 that the Group has identified a number of 'building blocks' for corporate governance. These are used as the basis for identifying immediate actions that need to be taken to address significant governance issues and will contribute to the development of a robust and comprehensive Corporate Governance Framework.

4.3   It is intended that progress reports on the work of the Governance Working Group will be provided at future Committee meetings.

Information Governance – Freedom of Information

4.4   This update on information governance covers the period 1 September 2015 to 31October2015.

4.5   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 October. The number of requests received in 2015as at 31 Octoberis 1,115. This is an averageof 111.5requests 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 – Oct 15	1,115

4.6   A total of 223FOI/EIR requests have been received in the period 1 September 2015 to 31October 2015(188 for this period in 2014). In the same period, 223FOI/EIR requests were completed (214 for this period in 2014). The total recorded officer time taken to complete these requests was approximately 318hours30 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 £7,962.50
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 8.8days. This compares to an average of 9 days for 2014.

4.7   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 2015 to 31 October 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	Sept 2015	Oct 2015
Commercial	27	36
Media	15	27
Personal	48	52
Other Local Authority	1	1
Third sector/Voluntary	4	0
Political	5	7
Total	**100**	**123**

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

Directorate	Sept 2015	Oct 2015
Organisation & Governance	41	45
People Services	26	35
Communities& Place	31	42
Council Wide	2	1
Total	**100**	**123**

Note :The above table reflects the new Council structure from 1 September 2015

4.8 FOI/EIR Appeals

There have been no appeals in the 2 month period covered by this report.

Information Commissioner's Office – Freedom of Information

4.9 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 had 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 was not punitive but provided for the ICO to work with the council to make surethat futureFoI requests are handled properly. The key requirements have now been completed.

4.10 The Council has now completed the 6 month monitoring period covering the FoIs received and responded to for the period 1 March 2015 to 31 August 2015.The ICO stated that "We are very pleased to see that the council has maintained a high rate of compliance with the statutory timescales for request responses. In view of this we are satisfied that the council's performance in this regard represents good practice and we will not be taking any further action in this regard."

4.11 The Council has also met the requirement of the ICO 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". Geldards LLP produced and delivered the trainingto those key employees.

Information Governance Framework

4.12   A joint training session for the Senior Information Risk Owner (SIRO) and the Caldicott Guardian has been arranged for 2 December 2015.

Information Governance – Data Protection (Subject Access Requests)

4.13   The Information Governance Team has received14 Subject Access Requests in the period from 1 September 2015 to 31 October2015. 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 requests have been completed, With regard to the other 10 SARs, 9 are on hold (awaiting proof of identity) and 1 is still in progress.

Information Commissioner's Office – Data Protection

4.14   The Head of Governance and Assurance has now received feedback from the ICO in relation to the2 disclosures of personal data which happened in October 2013 and June 2014.The ICO has "decided not to take any formal enforcement action on this occasion. This decision is due to the particular facts of this case and the remedial measures set out by the Council, which we expect will be implemented in order to prevent any recurrence. "

Compliance with the NHS Information Governance Toolkit

4.15   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.

4.16   The IG Toolkit Working Group has identified the key areas to target to move towards compliance. It has also reviewed who in the Council should be classified as Information Asset Owners.

Insurance &Risk Management

4.17   This is covered in a separate report on the agenda.

Whistleblowing

4.18   There havebeen 2 disclosures made under the Council's Whistleblowing policy in the last period.

Anti-Money Laundering

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

Bribery Act 2010

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

Regulation of Investigatory Powers Act

4.21 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)

4.22 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	2357	798
Payroll	180	1
Derby Homes	95	18
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	**9541**	**3094**

4.23   As at13 November 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	101	80	4.3%	10%
Payroll	177	1	98.3%	100%
Derby Homes	16	10	16.8%	55.6%
Blue badges	745	744	72.7%	75.9%
Residential care homes	96	49	100%	100%
Creditors	35	17	0.7%	3.9%
Residents parking	3	3	100%	100%
Concessionary travel	26	26	3.5%	3.5%
Mixed data source reports	174	70	100%	100%
Markets	0	0	0%	n/a
Personal budgets	8	3	27.6%	75%
Council Tax Relief	6	0	35.2%	n/a
TOTAL	**1387**	**1003**		

4.24   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.

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

4.26   As at13 November 2015, a total of £2354.00had been identified as overpaid in personal budgets. This was 1 case which had been identified as an error. Additionally £5415.77 had been identified as overpaid housing benefit. This consisted of 5 cases identified as frauds.

4.27   Matches between Council Tax and Electoral Roll records are now performed on an annual basis. As at 13 November 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	2452	357
Council Tax rising 18	130	22
TOTAL	**2582**	**379**
Dataset released December 2014		
Council Tax to electoral roll	2020	371
Council tax rising 18	381	248
TOTAL	**2401**	**619**

4.28 The total clawed back following these exercises is £60,937.05 and £96405.48 respectively.

4.29 A further matching exercise for Council Tax and Electoral Roll data is due, the extract for Council Tax has been done and uploaded, the Electoral Roll extract is due in December.

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.