

Agenda

Meeting name	Meeting of the Audit and Standards Committee
Date	Tuesday, 26 September 2023
Start time	6.30 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire LE13 1GH
Other information	This meeting is open to the public

Members of the Audit and Standards Committee are summoned to the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	L. Higgins (Chair)	J. Mason (Vice-Chair)
	J. Adcock	I. Atherton
	M. Brown	S. Carter
	S. Lumley	J. Orson
	S. Orson	T. Webster

Quorum: 5 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Monday, 18 September 2023

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 4 July 2023.	1 - 4
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate, in respect of items to be considered at this meeting.	5 - 6
4.	INTERNAL AUDIT PROGRESS REPORT The Head of Internal Audit to submit a report to update Members on the progress made in delivering the 2023/24 Internal Audit Plan and key findings arising from audit assignments completed. Report to follow.	
5.	RISK MANAGEMENT ANNUAL REPORT 2023 The Director for Corporate Services is to present the Risk Management Annual Report 2023. Report to follow.	
6.	INFORMATION GOVERNANCE FRAMEWORK The Information Governance Framework report is to be presented to the Committee.	7 - 20
7.	URGENT BUSINESS To consider any other items that the Chair considers urgent.	

Minutes

Meeting name	Audit and Standards Committee
Date	Tuesday, 4 July 2023
Start time	6.30 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire LE13 1GH

Present:

Chair Councillor L. Higgins (Chair)

Councillors

J. Adcock	I. Atherton
M. Brown	S. Butcher
M. Glancy	T. Webster

Officers

- Director for Corporate Services
- Democratic Services Officer (CT)
- Chief Internal Auditor
- Senior Democratic Services & Scrutiny Officer

Minute No.	Minute
1	<p>Apologies for Absence Apologies for absence were received from Councillors Mason and J. Orson. Councillor S Orson was not present at the meeting.</p>
2	<p>Minutes The Minutes of the meeting held on 28 March 2023 were approved.</p>
3	<p>Declarations of Interest No declarations of interest were received.</p>
4	<p>Draft Annual Governance Statement The Monitoring Officer introduced the Draft Annual Governance Report.</p> <p>It was explained that due to the delays in the sign off of the Statement of Accounts by the external auditors, this was a draft statement. Delays in external audit is a nationwide issue and the 2020/21 and 2021/22 are still in draft waiting for external auditor sign off. Once the Statement of Accounts is signed off the final version will be presented for approval.</p> <p>RESOLVED</p> <p>The committee NOTED the Council's draft Annual Governance Statement (AGS) for 2022/23, as set out in Appendix A to this report.</p>
5	<p>Internal Audit Annual Report and Opinion The Chief Internal Auditor introduced the Internal Audit Annual report and opinion.</p> <p>In response to a question regarding counter fraud, Members were advised that levels are very similar to the previous year, but since a new method of reporting fraud has been introduced, there has been an increase in reports. They were advised there is now an email address and information on the Melton Borough Council website advising how to report fraud.</p> <p>Questions were also asked about bank reconciliations, as it was in the report that whilst these had been completed there were reconciling items still to be cleared. Assurances were given that reconciliations had fallen behind due to staff shortages and the focus had been on getting these up to date and the focus was now on clearing the reconciling items.</p> <p>Concerns were raised about former tenant arrears and rent arrears as they still remain high despite being a previous focus. Members were advised that the backlog was partially due to staff absence, but that the housing team have now got new resources and have changed policies to deal with this issue. It was suggested that Scrutiny might wish to revisit this following a previous review. It could be added to the plan next year to have a look and see what progress has been made.</p>

It was asked if more information could be provided on some of the fraud referrals so the committee could relate the outcomes to the types of referrals. The detail will be reviewed in future reporting, but it was noted that not all information can be shared as this could put live investigations into jeopardy.

RESOLVED

The Committee **NOTED** the Internal Audit Annual Report and Opinion for 2022/23.

6

Internal Audit Progress Report

The Chief Internal Auditor introduced the Internal Audit Progress Report.

As it is start of the financial year, there are no finalised reports to bring to the committee, two audits are just being finalised and will be brought to the next meeting.

The question was asked regarding the audit on the Levelling Up Fund and in response assurances were given that time has been allocated to provide assurances in this area. Also, it was noted that the Chief Internal Auditor carries out the same role for Rutland County Council, so will have an oversight across both Councils and can ensure there are the right levels of assurance in the right places. The work will continue throughout the year to get a real time assurance model as much as possible.

Clarification was asked regarding the time allocated to Melton Borough Council for audit. Confirmation was given that the audit team are committed to deliver 235 audit days, these are allocated throughout the year, but if any work does not require as much time the Committee will be advised how the time will be reallocated.

The question was asked regarding changes in legislation and how this is factored into audits to ensure readiness for compliance. In response, Members were reassured that expected changes in legislation inform the audit planning process and are factored into audit coverage, as appropriate.

It was queried why the action in Appendix 3; overdue actions, was still outstanding after 3 years. It was explained that a number of recommendations had been put in place and a full service review was needed. Significant improvements had taken place, there has been a new directorate and staff and the audit team are now comfortable with the work that is being progressed. It was commented that the document does not fully reflect the history on this, unless Members are aware of the full circumstances it is not clear. Members were informed that the Assistant Director for Housing had attended the last meeting with a full update on progress. It was agreed that a further update would be welcomed outside of the meeting.

The Chair asked it to be noted that the previous Chair, Councillor Don Pritchett, had been very comprehensive with his handover, and it is hoped they will continue with the good work the previous Committee had done.

RESOLVED

The committee **NOTED** the report and progress made by the Internal Audit team in the delivery of the Audit Plan.

7

Urgent Business

There was no urgent business.

The meeting closed at: 7.22 pm

MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- you must disclose the interest;
 - not participate in any discussion or vote on the matter; and
 - must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- you must disclose the interest
 - may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- you must disclose the interest;
 - may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- you should not take part in the decision-making process
 - you should state that your position in this matter prohibits you from taking part
 - you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.



Audit and Standards Committee

26 September 2023

Information Governance Framework

Report Author:	Tim Cousins , Interim Information Governance Lawyer
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Chief Officer Responsible:	Alison McKane , Interim Assistant Director for Governance and Democracy (Monitoring Officer)
Chief Officer Contact Details:	01664 502543 amckane@melton.gov.uk
Lead Member/Relevant Portfolio Holder	Councillor Margaret Glancy - Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader)

Corporate Priority:	All
Relevant Ward Member(s):	None consulted due to corporate nature of the report.
Date of consultation with Ward Member(s):	26 September 2023
Exempt Information:	No

1 Summary

- 1.1 To seek endorsement of the draft Information Governance Framework Annex A and approve all necessary actions in relation to implementation.

2 Recommendations

RECOMMENDATION(S)	
That Committee:	
2.1	Approves the draft Information Governance Framework Annex A as attached to this report and
2.2	Notes all necessary actions to be undertaken in relation to implementation of the Framework and the actions arising including review of the policies and procedures referred to in this report.

3 Reason for Recommendations

- 3.1 To endorse The Information Governance Framework to ensure compliance with best practice in information management.
- 3.2 To ensure practical implementation.

4 Background

- 4.1 Information Management comprises of the following, Data Protection, Freedom of Information and Records Management.
- 4.2 In 2018 a new Data Protection Regime was introduced into the UK with The General Data Protection Regulation and The Data Protection Act 2018. Now incorporated into UK law under the UK GDPR.
- 4.3 In response to this, the Council adopted the policies and working practices as set out below:
 - Data Protection Policy Records Retention and Disposal Policy 2020,
 - Data Protection Policy overview 2020,
 - Data Protection Policy Subject Access (SAR)/ Third Party Requests for Personal Information Policy 2020,
 - Parkside Guidance for Management of Information Incidents.
- 4.4 The Freedom of Information Act 2000 and The Environmental Information Regulations 2004 have been in operation since 2005 and in compliance the Council adopted a Requests for Information Policy 2020.
- 4.5 It is now timely for the Council to review its information governance arrangements. This work has been supported by the Councils internal audit section who have made a number of recommendations which have been reported to this Committee. This report is the first stage in the process with implementation of a planned Information Governance Framework.

5 Main Considerations

Information Governance Framework

- 5.1 The Information Governance Framework provides the basis and plan for implementation of the recommendations and accordingly is supportive of the work of undertaken.

5.2 The Information Commissioner's website advises that an accountability framework can help organisations with their obligations. It specifically sets out a number of areas that should be included. These include leadership and oversight, policies and procedures and training and awareness.

5.3 The attached Information Governance Framework for the Council follows this approach and addresses the following key points.

Accountability and responsibility structure.

5.4 The guidance from the Information Commissioner provides that organisations should have policies that "clearly set out the organisational structure". The Framework complies with this by documenting in one place the already existing key officers and their responsibilities.

5.5 The Framework also establishes a new Information Governance Working Group. This will comprise of representatives from the service areas as nominated by the relevant Director. The remit of the Group will be to consider any relevant issues pertinent to Data Protection, Freedom of Information and Records Management. It will consider policy, practical implementation and specific issues referred to it in relation to Information Management.

Policy Structure.

5.6 As set out, The Council has a well- established policy structure with policies in place for Data Protection, Freedom of Information and Records Management.

There is a commitment in the Framework for policy review and accordingly the current Data Protection Policy is being reviewed. This will set out the Council's key commitments to ensure compliance with the legislation. The data protection regime sets out principles for the processing of personal information and also sets out certain requirements with regard to the management of information such as the requirement to check certain new systems for data protection compliance and transfers of data. The policy will reflect these and other requirements.

5.7 The Freedom of Information and Records Management Policies are similarly in the process of being reviewed. Wherever possible, information management will support the Council's corporate objectives.

Corporate Operational Practices, Training and Support.

5.8 The framework records the Council's commitment to easily accessible and easy to read operational practices. The Council has well established procedures and practices in place, which are now being reviewed. All staff will be required to undertake full training every two years with a reminder on a yearly basis.

5.9 The practices will include all the data protection principles. Certain elements will be emphasised, security of information, data sharing. Reference will be made to the best practice as set out in the Information Commissioner's guidance on data sharing and local arrangements. Where a formal data sharing agreement is in place a copy will be held in a central repository for easy access.

New processing / systems.

5.10 The requirement to undertake a Data Protection check known as a Data Protection Impact Assessment (DPIA) will be refreshed as will associated record keeping. To support staff on a day-to-day basis, a dedicated SharePoint page on the intra-net will be established.

Transparency, Individual Rights, and Reporting.

- 5.11 The Framework reaffirms the Council's commitments. It is timely to review the publication scheme and build upon the work already in place. Accepting of course in certain situations it is not appropriate to release information for instance if it would provide personal information in relation to another individual.
- 5.12 The Framework confirms the Council's high-level commitment to support the rights of individuals to request information and other rights over their data, such as the right to rectification and erasure. Again, this work involves a review of those procedures, to ensure that individuals can exercise those rights as easily as possible. It will include a review of the Council's public webpage.

Regular reporting.

- 5.13 This will take the form of the Key indicators as set out in the framework.

Records Management.

- 5.14 The Council's Records Retention and Disposal Policy will be reviewed, as will supporting administrative arrangements.

6 Options Considered

- 6.1 Not to implement the Information Governance Framework. However, this is not recommended as compliance with Information Management is a statutory requirement and the framework is intended to ensure that the Council is able to comply with its statutory duties.

7 Consultation

- 7.1 Due to statutory obligations individual consultation is not relevant / appropriate.

8 Next Steps – Implementation and Communication

- 8.1 The Framework will be referred to the next full Council meeting.

9 Financial Implications

- 9.1 There are no financial implications associated with this report.

Financial Implications reviewed by: David Scott, Assistant Director for Resources

10 Legal and Governance Implications

- 10.1 Information Management is a legal requirement as set out within the legislation referred to in the body of this report. The Council should ensure that it has policies and procedures in place to mitigate any risks associated with information governance.

Legal Implications reviewed by: Senior Solicitor

11 Equality and Safeguarding Implications

- 11.1 There are no equality or safeguarding implications associated with this report.

12 Data Protection Implications (Mandatory)

- 12.1 As set out within the body of this report.

13 Community Safety Implications

- 13.1 None directly related to this report.

14 Environmental and Climate Change Implications

14.1 None directly related to this report.

15 Other Implications (where significant)

15.1 None directly related to this report.

16 Risk & Mitigation

16.1 The process and procedure outlined in this report represents good information practice and accordingly reduces and mitigates corporate risks in this area. The recommendations do not include risks.

17 Background Papers

17.1 None

18 Appendices

18.1 Appendix A – Draft Information Governance Framework

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Information Governance Framework Draft

Item	Details
Author:	Interim Information Governance Lawyer
Owner:	Director for Corporate Services
Version No:	1.0
Date:	16 th of August 2023

Approvals

Designation	Title	Date of Approval	Version
SLT	SLT		
Council	Council		

Distribution:

Title	Date of Issue	Version
SLT		
Council		
MIKE		

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1 Introduction

Information Governance Framework

The fair and lawful processing of information is essential to maintain trust between The Council and the citizens and others it serves.

Accordingly, the Council recognises and fully endorses its obligations as set out in The UK General Data Protection Regulation, The Data Protection Act 2018, The Privacy and Electronic Communication Regulations, The Freedom of Information Act 2000, The Environmental Information Regulations 2004 and The Public Records Act. The Council will follow the supplementary guidance in the codes of practice supporting same.

This framework sets out the Council's key strategic policies and procedures in place and operational structure.

2 Accountability and Responsibility

In order, to implement its objectives the Council has established the following:

Ultimate Responsibility will rest with the Cabinet who will receive regular reports as and when required and, in any event, at least once a year.

Practical day to day implementation will be achieved through the following key officers:

- Directors who have an obligation to ensure compliance with data protection and other information legislation in their service areas,
- The Senior Information Risk Owner,
- The Information Governance Lead who will implement and provide day to day advice on policy and case work and provide the link with the services. They will keep the central records up to date.
- The Data Protection Officer.

These will in turn be assisted, by the auspices of an Information Governance Working Group who will comprise of representatives from the service areas as nominated by the relevant Director from time to time. This is to ensure all relevant initiatives and projects are considered by the group as and when necessary, without unduly requiring officers to attend every meeting.

The remit of the Group will be to consider any relevant issues pertinent to Data Protection, Freedom of Information and Records Management. The Group will consider policy, practical implementation and specific issues referred to it in relation to Information Management.

The Group will be chaired by the Information Governance Lead and administrative support will be provided by Democratic Services.

The Council's Audit Service and The Audit and Standards Committee will provide oversight.

The Corporate Risk register will manage and mitigate strategic corporate risks including information management.

3 Policy Structure

The Council will ensure that there a clear and easily accessible policies in place for:

Data Protection,

Freedom of Information,

Records Management.

These will set out the Councils key commitments to ensure compliance with the legislation.

The policies will be regularly reviewed to reflect changes in the legislation and guidance.

Information Management will support the Council's corporate objectives.

4 Corporate Operational Procedures

To effectively embed the data protection principles into daily staff practices it is essential that easily accessible and easy to read Corporate Operational Practices are in place and staff are trained on them. All staff will be required to undertake training.

The practices will include all the data protection principles, so staff are conversant and empowered to comply with all the requirements in their daily work from collecting information, using, holding securely, sharing, and ultimately securely disposing of same.

5 Security of Processing

The Council will ensure that appropriate technical and organisational measures are in place to protect data.

Organisational measures will represent a range of measures, including, policies, corporate operational practices and procedures, guidance and training, risk assessments and audit.

Technical measures will again include a range of measures including:

- Encryption,
- Physical Security,
- The security of the network and information systems,
- Security of the data held within the system ensuring appropriate access controls,
- Online security and device security.

The Council will seek to comply with principles of privacy by design and default, data minimisation and purpose limitation and adopt where practical Privacy Enhancing Technologies.

6 New Systems and Data Sharing

The Council will only instigate new systems that affect personal data after carefully considering the data protection implications and undertaking if appropriate a Data Protection Impact Assessment.

The Council will only share personal data where it is appropriate and lawful to do so.

Corporate systems will be established to ensure compliance with same.

The Council will only share data with suppliers where appropriate safeguards have been put in place to ensure the security of the processing and data.

7 Training and Support

All employees, Members and other who have access to Council data have an obligation to protect data and will be required to undertake full training every two years with a reminder on a yearly basis.

To support staff on a day- to- day basis, a dedicated page on the intra- net will be established with details of the main requirements and a point of contact for advice and assistance.

8 Transparency and Individual Rights

The Council is fully committed to openness and transparency in its dealings and accordingly fully endorses and supports the public access provisions of The Freedom of Information Act 2000 and The Environmental Information Regulations 2004.

Accordingly, the Council will ensure the proactive publication of Information in its publication scheme and shall ensure appropriate procedures are in place to process all individual requests for information.

The Councils seeks to answer requests within the statutory timescale and provide as much information as possible, accepting of course in certain situations it is not appropriate to release information for instance if it would provide personal information in relation to another individual.

Where this is the case, the individual will be advised as to the relevant exemption and advised as to their right to have the decision reviewed and their rights if they remain dissatisfied to refer the matter to the Information Commissioners Office.

The Council fully endorses the rights of individuals to request information and other rights over their data, such as the right to rectification, and erasure and its procedures will ensure that individuals can exercise those rights as easily as possible, and without undue complication.

9 Reporting

Regular reporting will take the form of the following Key indicators:

- Number of Freedom of Information Requests per quarter.
- Number of Subject Access Requests per quarter.
- Percentage of requests processed within the statutory time frame.
- Number of Data Incidents reported to the Information Commissioner per quarter.
- Number of Data Sharing Agreements entered per quarter.
- Number of Data Protection Impact Assessments carried out per quarter.
- The number trained in Information Governance per year.

This information will be reported to the Working Group and to The Senior Leadership Team and the Audit Committee annually.

10 Records Management

Effective and efficient records management supports both data protection and Freedom of Information and supports efficiency. Accordingly, the Council's Records Retention and Disposal policy will ensure compliance with The Council's obligations. Administrative arrangements will ensure practical compliance. Statistical compliance levels will be reported to senior leadership team.

11 Review

This framework will be reviewed as and when appropriate and in any event after 5 years.