



Cabinet Member (Policy and Leadership)

Time and Date

10.00 am on Friday, 5th September, 2014

Place

Committee Room 3 - Council House

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 4)
 - a) To agree the minutes from the meeting held on 28th November, 2013 (attached)
 - b) Matters Arising
4. **Complaints to the Local Government Ombudsman 2013/14** (Pages 5 - 16)

Report of the Chief Executive
5. **2013/14 Annual Freedom of Information/Data Protection Act Report** (Pages 17 - 24)

Report of the Executive Director, Resources
6. **Outstanding Issues**

There are no Outstanding Issues to report.
7. **Any Other Items of Public Business**

Any other items of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved.

Private Business

Nil

Chris West, Executive Director, Resources, Council House Coventry

Thursday, 28 August 2014

Note: The person to contact about the agenda and documents for this meeting is Michelle Rose Tel: 024 683 3111 Email: Michelle.Rose@coventry.gov.uk

Membership: Councillors J Blundell (Shadow Cabinet Member) and A Lucas (Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

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Public Document Pack Agenda Item 3

Coventry City Council

Minutes of the Meeting of Cabinet Member (Policy and Leadership) held at 1.00 pm on Thursday, 28 November 2013

Members Present:

Councillor A Lucas (Cabinet Member)

Councillor J Blundell (Shadow Cabinet Member)

Employees (by Directorate):

C Boyce, Chief Executive's Directorate

L Commane, Resources Directorate

H Lynch, Resources Directorate

D O'Shaughnessy, Chief Executive's Directorate

M Rose, Resources Directorate

Public Business

6. Declarations of Interest

There were no declarations of interest.

7. Minutes

The minutes of the meeting of the Cabinet Member (Policy and Leadership) held on 11th July, 2013 were signed as a true record.

8. Petition - To Coventry City Council and Arena Coventry Limited

The Cabinet Member (Policy and Leadership) considered a report of the Executive Director of Resources, concerning a petition bearing 18 signatures, accompanied by a print out of an ePetition from 'change.org' with 531 signatures also in support of the petition. The petition, which was attached to the report, had been submitted by Mr Cosgrove, who attended the meeting and spoke in support of the petition on behalf of petitioners. The Cabinet Member also allowed another petitioner, Mr Stevens, to speak on behalf of petitioners. The petition requested both the City Council and Arena Coventry Limited to undertake some specific actions with a view to facilitating the return of Coventry City Football Club to play its home football matches at the Ricoh Arena in Coventry.

The report acknowledged that some of the actions requested by the petition, were directed at Arena Coventry Limited (ACL), which is an independent company limited by guarantee and as the City Council is not the sole shareholder it was not appropriate to comment on actions or legal and commercial issues pertaining to it.

The report detailed that the City Council had consistently maintained that it wanted to see Coventry City Football Club play at the Ricoh Arena and would support efforts to attempt to achieve this. The report also noted discussions had been held in private with the owners of the club, who together with the Football League,

determine where the club will play. The report recognised the importance of having a successful football league club playing in the City.

The Cabinet Member indicated that as the Judicial Review was currently taking place, there were certain areas that could not be discussed at this meeting.

The Councillors, officers and petitioners present discussed

- the impact on the local economy
- the Council focus on growth and regeneration in the City
- rental and valuation options

The Cabinet Member stated that she must ensure assets were used to the best advantage of all citizens of Coventry.

RESOLVED that after due consideration of the report and the matters raised at the meeting, the Cabinet Member considered the petition and the report supporting the general aim of bringing the club back to Coventry and it be ensured that the City Council does all it can to achieve the best outcome for the city, Coventry taxpayers and their asset.

9. **Citivision Magazine**

The Cabinet Member considered a report of the Chief Executive, which outlined options for producing Coventry Citivision magazine in the future including how often it would be distributed and how it was funded.

The report provided options for future print savings and results of the consultation with partner organisations and an online survey. The recommended opt

Members discussed financial issues, consultation feedback, and advertising.

RESOLVED that after due consideration of the report and the matters raised at the meeting, the Cabinet Member the continued production of four issues per year of Citivision magazine with an overall reduction in the budget of £12,000 a year to be offset by an increase in contributions from partner organisations (ie the Police, Universities, University Hospital Coventry and Warwickshire, Whitefriars Housing) be approved.

10. **Outstanding Issues**

The Cabinet Member noted that there were no Outstanding Issues to report.

11. **Any Other Items of Public Business**

There were no other items of public business.

(Meeting closed at 2.00 pm)



Cabinet Member (Policy and Leadership)
Audit and Procurement Committee

5 September 2014
20 October 2014

Name of Cabinet Member:

Cabinet Member (Policy and Leadership) Councillor Mrs Lucas

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

Nil

Title:

Complaints to the Local Government Ombudsman 2013/14

Is this a key decision?

No

Executive Summary:

The Local Government Ombudsman (LGO) provides an independent means of redress to individuals for injustice caused by unfair treatment or service failure by a local authority. As part of the Council's complaints process complainants are informed of their rights to contact the LGO if they are not happy with the Council's decision.

The Cabinet Member Community Safety and Equalities at the meeting of 27 March 2014 decided that the number and outcome of complaints received by the LGO about the Council would be formally reported to elected members through the Cabinet Member (Policy and Leadership). This is the first such report and covers complaints over the period 1 April 2013 to 31 March 2014.

In July 2014 the Ombudsman issued her Annual Letter to the Chief Executive to summarise complaints dealt with during the year. A report "Review of Local authority complaints" was also published on the LGO web pages, this has helped to compare Coventry's performance with national trends.

Recommendations:

The Cabinet Member is recommended to:

- (1) Consider the Council's performance in relation to complaints to the Local Government Ombudsman.
- (2) Request the Audit and Procurement Committee to:
 - Review and be assured that the Council takes appropriate action in response to complaints investigated and where the Council is found to be at fault.
 - Advise on the timing and focus for future reports to help to ensure that the Council learns from complaints.

The Audit and Procurement Committee is recommended to:

- (1) Consider the Council's performance in relation to complaints to the Local Government Ombudsman.
- (2) Review and be assured that the Council takes appropriate actions in response to complaints investigated and where the Council is found to be at fault.
- (3) Advise on the timing and focus for future reports to help to ensure that the Council learns from complaints.

List of Appendices included:

Appendix A: Summary of complaints investigated by the LGO – upheld/not upheld

Other useful background papers:

Local Government Ombudsman – Review of local government complaints 2013/14

<http://www.lgo.org.uk/news/2014/jul/ombudsman-publishes-local-authority-complaint-statistics-new-report/>

Cabinet Member Community Safety and Equalities 27 March 2014 – Reporting Ombudsman Complaints and Reports

<http://democraticservices.coventry.gov.uk/documents/s15781/Reporting%20of%20Ombudsman%20Complaints%20and%20Reports.pdf>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes

Audit and Procurement Committee – 20 October 2014

Will this report go to Council?

No

Report title: Complaints to the Local Government Ombudsman 2013/14

1. Context (or background)

- 1.1 The Local Government Ombudsman (LGO) offers an independent, impartial and free service to any member of the public dissatisfied with the way that a Council has dealt with their complaint. The Council advises complainants that they have the option to contact the Ombudsman once the Council's own complaints process has been exhausted.
- 1.2 This report provides elected members with information about the number and outcome of LGO complaints received and investigated about the Council during 2013/14. It also provides more detail on those complaints which were investigated by the Ombudsman during 2013/14 including the actions taken by the Council where a complaint was upheld by the Ombudsman.

2. Options considered and recommended proposal

- 2.1 Each year the Ombudsman writes to the Chief Executive through the Annual Review Letter, this was received in July 2014. The letter includes summary statistics for 2013/14 and shows that the Ombudsman recorded 108 enquiries relating to Coventry City Council which differs slightly from the figures recorded by the Council (90). The LGO has clarified that some enquiries will result in advice being given without the need for contact between the Ombudsman and local authority. There are also some differences in the classification of complaints which explains the difference between the recorded figures.

Adult care services	Benefits & tax	Corporate & other services	Education & children's services	Environmental services & public protection & regulation	Highways & transport	Housing	Planning & development	Total
13	26	5	25	14	11	8	6	108

Table 1: Summary statistics enquiries received by the Ombudsman about the Council: Ombudsman Annual Letter to the Chief Executive July 2014 <http://www.lgo.org.uk/documents/annualreview/2014/Coventry%20City%20Council.pdf>

- 2.2 It is not possible to comment on the Council's performance based purely upon the number of enquiries that the Ombudsman receives about the Council. On one hand it could be argued that a high number of complaints would indicate that an authority has been effective at signposting people to the LGO through their complaints handling process, on the other a high number of complaints could also highlight that an authority needs to do more to resolve issues through its own complaints process.
- 2.3 Of all cases recorded the LGO investigated 19 complaints about Coventry in 2013/14, 10 (53%) of these were upheld and 9 (47%) not upheld. One upheld complaint resulted in a formal report of maladministration being issued by the Ombudsman.

LGO decision classifications have changed during 2013/14 and the following has been provided by the LGO.

Upheld: These are complaints where we (the LGO) have decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before we make a finding on fault. If we have decided there was fault and it caused an injustice to the complainant, usually we will have recommended the authority take some action to address it.

Not upheld: Where we have investigated a complaint and decided that a council has not acted with fault, we classify these complaints as not upheld.

Wherever possible the LGO publishes decision statements on its web pages although this would not happen where the content of the report could identify the individual complainant. For Coventry there were three decision statements posted for 2013/14.

- 2.4 The 19 complaints investigated by the LGO in 2013/14 related to the following service areas.

Service Area	Upheld	Not upheld	Average Initial Response Time (Working days)
Adult social care	3	2	16
Children's social services	4	1	24
Education services	1	1	18
Housing services		1	19
Bereavement services		1	20
Highways services		1	23
Planning		1	19
Benefits	2	1	12.5
Total	10	9	19.4 (average)

- 2.5 The LGO report "Review of Local Government Complaints 2013/14" notes that the number of complaints nationally received by the LGO had remained fairly static over the last year. Complaints about benefits and tax and adult social care were the two areas where they had seen the biggest percentage increase on last year. It has not been possible to compare Coventry complaints with the previous year 2012/13 as there were no annual figures provided by the LGO, this was due to changes in the way in which complaints were classified. During 2013/14 the Council had the most investigations in Adult Social Care and Children's Social Services with Benefits the third highest. For Adult Social Care and Children's Social Services separate reports will be presented to the relevant Cabinet Members later in 2014.
- 2.6 More detail on the outcome of the complaints investigated including for those upheld, the action taken by the Council and any compensation paid, is attached in a separate table (Appendix A). The Council has taken a range of actions to respond to the fault identified. Most often this has involved issuing guidance and training for staff so that they are clear on processes and to avoid the same problem recurring. Members of the Audit and Procurement Committee are asked to review the actions taken and to comment on whether they are satisfied with the action taken and the learning from the process.
- 2.7 The average number of working days that the Council took to make an initial response to the first stage of an Ombudsman enquiry (19.4 days) is within the standard set by the LGO of 20 days. The exceptions to this were in Children's Social Services and Highways Services.
- 2.8 As an indication of Coventry's performance in relation to other local authorities the table below shows a comparison with the (CIPFA) nearest neighbours group. The table includes the number of investigations and the percentage upheld/not upheld. The 19 investigations for Coventry in 2013/14 was less than the average for the group of 22 however there were more complaints upheld 53% as compared to the average of 41%.

Local Authority	Upheld	Not Upheld	% Upheld	Total
Rochdale	5	4	56%	9
Stockton-on-Tees	5	5	50%	10
Peterborough	10	4	71%	14
Calderdale	8	8	50%	16
Dudley	3	16	16%	19
Oldham	7	12	37%	19
Coventry	10	9	53%	19
Derby	11	8	58%	19
Bolton	9	12	43%	21
Tameside	13	12	52%	25
Medway	6	20	23%	26
Walsall	9	17	35%	26
Wolverhampton	5	23	18%	28
Stoke-on-Trent	17	11	61%	28
Kirklees	13	23	36%	36
Bradford	14	22	39%	36
Average	9	13	41%	22

Complaints investigated by the LGO

Source: Extracted from data annex 2013/14 LGO

<http://www.lgo.org.uk/news/2014/jul/ombudsman-publishes-local-authority-complaint-statistics-new-report/>

- 2.9 Elected members are asked for their views on the timing and format of future reports. It is recommended that Ombudsman Complaints should continue to be reported on an annual basis to coincide with the Ombudsman's Annual Letter usually around July time. In the event that the Ombudsman issues a decision report outlining maladministration by the Council, this would be subject to a separate report as and when it occurred. This would ensure transparency and enable the Council to make sure that the appropriate corrective action had been taken and to avoid the situation recurring.
- 2.10 The reporting arrangements may need to be revised in light of any recommendations arising from a wider review of the Council's complaints management arrangements which is being led through the Customer Journey programme.

3. Results of consultation undertaken

- 3.1 There is no consultation identified in relation to LGO complaints.

4. Timetable for implementing this decision

- 4.1 The number and outcome of LGO cases will be formally reported to members on an annual basis. There will also be a separate report to the Cabinet Member at any time in the year should the Ombudsman issue a formal report about an upheld finding of maladministration.

5. Comments from Executive Director, Resources

- 5.1 Financial implications

In 2013/14 the Council paid a total of £9,236 in local settlements and this related to five complaints. The money was found from existing Directorate service budgets.

5.2 Legal implications

The Local Government Act 1974 defines the main statutory functions for the Ombudsmen:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)
- to provide advice and guidance on good administrative practice

The main activity under Part III of the 1974 Act is the investigation of complaints, which the Act states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure. Under Part IIIA the Ombudsman investigates complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

Whilst there is no legal obligation to do so, the monitoring and reporting on the outcomes of the LGO complaints represents good practice and promotes good governance and service improvement.

6. Other implications

6.1 How will this contribute to achievement of the Council's key priorities?

Putting local people first and their needs at the heart of the customer journey is a priority for the Council. As part of the Customer Journey programme there will be wider consideration of the Council's complaints management process to see whether further improvements can be made and this will also include ombudsman complaints.

6.2 How is risk being managed?

It is important that the Council takes action and learns from the outcome of complaints. Appendix A describes the actions that the Council has taken for example providing training, instruction and guidance to staff and improving communications between services to help to manage risk of the likelihood of the same fault happening again.

6.3 What is the impact on the organisation?

The co-ordination and management of Ombudsman complaints often involves considerable time of officers including where appropriate legal advice. The effective co-ordination and management of the Council's own complaints process is important in helping to manage this resource and this will be reviewed as part of the Customer Journey programme.

6.4 Equalities / EIA

All members of the public are able to refer complaints to the LGO if they are dissatisfied with Council services. This is made clear through the Council's complaint process and in individual letters detailing the findings of the Council's own complaints investigations.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

Although Ombudsman complaints primarily concern services provided by Coventry City Council they may from time to time also involve partners and third party contractors. In

these cases there is provision for them to comment or provide information as part of an Ombudsman investigation.

Report author(s):

Name and job title:

Carol Dear, Corporate Performance Co-ordinator

Directorate:

Chief Executive's

Tel and email contact:

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Bev McLean	Performance Information Officer	Chief Executive's	11.08.14	11.08.14
Simon Brake	Assistant Director Communities and Health	People	11.08.14	13.08.14
John Teahan	Business Manager	People	11.08.14	15.08.14
Jane Simpson	Business Support Manager	Place	11.08.14	11.08.14
David Wilson	Children's Complaints Officer	People	11.08.14	12.08.14
Steve Mangan	Manager Audit	Resources	11.08.14	13.08.14
Tim Saville	Head of Revenues and Benefits	Resources	19.08.14	19.08.14
Lara Knight	Governance Services Team Leader	Resources	23.08.14	26.08.14
Other members				
Names of approvers for submission: (officers and members)				
Finance: Paul Jennings	Corporate Finance Manager	Resources	19.08.14	19.08.14
Legal: Helen Lynch	Corporate Governance and Litigation Manager	Resources	11.08.14	20.08.14
Assistant Director: Jenni Venn	Assistant Director Policy and Partnership	Chief Executive's	11.08.14	11.08.14
Director: Martin Reeves	Chief Executive		20.08.14	20.08.14
Members: Councillor Ann Lucas	Cabinet Member Policy and Leadership		20.08.14	27.08.14

This report is published on the Council's website:

www.coventry.gov.uk/councilmeetings

12 Decisions in 2013/14 (detailed investigations carried out)

Directorate/Division	Decisions Upheld	Monetary Settlement
People		
Adult Social Care (3)	<ul style="list-style-type: none"> • The Council did not follow agreed procedure that they would contact client's daughter regarding appointments. <ul style="list-style-type: none"> - The Council apologised and agreed to write to daughter to make any further appointments. • The Council did not deal properly with the assessment of Mr K's parents' needs or with their direct payments. <ul style="list-style-type: none"> - Injustice remedied through £3,138 additional payment agreed as part of the final decision. The Council produced a Q&A practice guide on direct payments for practitioners. • A safeguarding complaint for which the ombudsman issued a formal report. <ul style="list-style-type: none"> - The Council apologised and informed relevant parties of the Ombudsman's decision. 	£3,138
Children's Social Services (4)	<ul style="list-style-type: none"> • The Council did not follow the correct procedure regarding obtaining parental permission. <ul style="list-style-type: none"> - A settlement of £2,000 for time and trouble and distress and anxiety. All managers were reminded and made fully aware of the rules relating to parental responsibility. • The Council did not amend Core Assessment and delayed reviewing the child's care package. Record keeping was found to be poor. <ul style="list-style-type: none"> - £200 settlement for the delays experienced. The Council wrote to the complainant explaining the steps that it had taken to ensure social care staff were properly trained in their duty to record all dealings with service users. • This comprised 2 complaints relating to Education and Social Services in which it was alleged 	£2,550

Directorate/Division	Decisions Upheld	Monetary Settlement
	<p>that the Council did not deal properly with concerns about Child A, failed to provide suitable services for the child and parent and also took excessive time to deal with concerns.</p> <ul style="list-style-type: none"> - The investigator considered that there was some evidence of fault by children's social services. £350 settlement. Training provided for social workers in understanding needs of children who are on the autistic spectrum. 	
Education Services (1)	<ul style="list-style-type: none"> • The Council failed to provide suitable education for a child and delayed in finding a suitable alternative placement. The level of home tuition provided was considered to be too low. - A payment of £1,500 for the lack of educational provision and £200 for the delay in naming a suitable school for the child. 	£1,700
Resources		
Benefits (2)	<ul style="list-style-type: none"> • The Council failed to pay housing benefit direct to the landlord despite there being rent arrears in excess of 8 weeks. The complainant landlord informed the Housing Service and the information was not passed on to Housing Benefit Service. - Settlement for lost rent payments of £580 and £1,118, additional £150 for time and trouble. The Council took steps to improve liaison between the respective services. • The Council did not explain about appeal rights to a letting agent when it sought to recover a housing benefit overpayment. - The Council agreed to consider an appeal and apologised for its delay in responding to the complainant. 	£1,848
Total	10 complaints upheld	£9,236

Directorate/Division	Decisions Not Upheld
People	
Adult Social Care (2)	<ul style="list-style-type: none"> The investigator found no fault in the Council's decision not to place an adult with learning disabilities in Ms A's shared lives scheme. The Council had not finished investigating Miss X's complaint about its support to her mother so the investigator stopped the investigation.
Children's Social Services (1)	<ul style="list-style-type: none"> Mr X complained about unfair bias against him in a report for a Child Protection Conference. There was insufficient evidence of fault in the way in which the Council drew up the report or that this caused harm to the children.
Housing (1)	<ul style="list-style-type: none"> The investigator found no fault in the way the Council assessed Miss X's Housing Register application.
Education Services (1)	<ul style="list-style-type: none"> Ms X complained to the Ombudsman on behalf of her daughter but her daughter did not provide her consent to the complaint being investigated. Therefore the investigator discontinued her investigation.
Place	
Bereavement Services (1)	<ul style="list-style-type: none"> The investigator found some poor record keeping in 2012 but no other significant fault in relation to Mrs X complaint with regard to the location of her son's grave.
Highways (1)	<ul style="list-style-type: none"> The Council approved a programme of verge schemes including re-advertising of a verge parking restriction at Mr C's location. The investigator discontinued her investigation as she considered the Ombudsman's continued involvement at this stage would not achieve more.
Planning (1)	<ul style="list-style-type: none"> Mrs C complained about the way the Council considered a planning application the investigator decided to complete her investigation as she found no evidence of fault causing the complainant an injustice.

Directorate/Division	Decisions Not Upheld
Resources	
Benefits (1)	<ul style="list-style-type: none"> Mr E complained the Council made payment of housing benefit to him late and owed him a payment. The investigator found no fault by the Council.
Total	9 Complaints not upheld

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Audit & Procurement Committee
Cabinet Member (Policy & Leadership)

14 July 2014
5 September 2014

Name of Cabinet Member:

Cabinet Member (Policy & Leadership) – Councillor Mrs Lucas

Director Approving Submission of the report:

Executive Director Resources

Ward(s) affected:

None

Title: 2013/14 Annual Freedom of Information/Data Protection Act Report

Is this a key decision?

No

Executive Summary:

Under the Freedom of Information Act 2000 (FOIA) the Council is required to provide the public with a means for requesting information held by the Authority, subject to any exemptions that may apply.

Section 39 of FOIA requires the Council to process requests for environmental information under the Environmental Information Regulations (2004) (EIR). The EIR process, whilst similar to FOIA, promotes 'proactive dissemination' of information and provides fewer grounds for the Council to withhold information. Both FOIA and EIR permit personal data, as defined by the Data Protection Act 1998 (DPA), to be withheld where the applicant is not the subject of the data.

The Data Protection Act 1998 (DPA) requires the authority to process personal data in accordance with the principles of the Act, which includes providing a means for an individual to request access to information that the Council processes about them, subject to any exemptions that may apply.

The Information Commissioner's Office (ICO) oversees compliance with FOIA, EIR and DPA, promotes good practice, rules on complaints and takes appropriate action when the law is broken.

This report provides an overview of the number of requests for information received under the FOIA, EIR and DPA; the volume completed within the legislative timescales; the number and outcome of internal reviews; and the number and outcome of complaints made to the ICO about Coventry City Council during 2013/14.

Recommendations:

The Audit & Procurement Committee are requested to consider and note:

- (1) Note the Council's performance for responding to access to information requests report, the; number and outcome of internal reviews and the number and outcome of complaints made to the ICO; and
- (2) Recommend the Cabinet Member (Policy & Leadership) notes and approves the report as a formal record of the Council's performance and handling of requests, reviews and complaints under FOIA and DPA.

The Cabinet Member (Policy & Leadership) is requested to:

- (1) Note the Council's performance for responding to access to information requests report, the; number and outcome of internal reviews and the number and outcome of complaints made to the ICO and;
- (2) Consider any comments and recommendations provided by the Audit & Procurement Committee.

List of Appendices included:

None.

Other useful background papers:

None.

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

1. Context or Background

1.1 Requests for Information under FOIA/EIR

- 1.1.1 The Council is obliged to respond to information requests under FOIA/EIR within 20 calendar days provided that the requests are in writing, an address for responding to has been provided and it contains sufficient information for the Council to be able to confirm or deny whether the information is held, subject to any exemptions.
- 1.1.2 The Code of Practice, issued by the Secretary of State for Constitutional Affairs under S45 of FOIA, requires public authorities to have a procedure in place to deal with complaints in regard to how their requests have been handled. This process is handled by the Information Governance Team as an FOI/EIR review.
- 1.1.3 After a review has been completed an applicant has a right to complain to the ICO for an independent ruling on the outcome of the review. The ICO will issue a Decision Notice outlining whether the complaint has been: upheld, partially upheld, or not upheld and inform both parties of their decision and, where applicable, the actions the authority has to undertake.
- 1.1.4 Similarly, DPA provides individuals with a means for requesting personal data that the Council is processing about them. Requests have to be responded to if the applicant has provided sufficient information to: identify and confirm who they are and payment of the statutory £10 fee, if applicable. DPA requests have to be completed within 40 calendar days.
- 1.1.5 Like FOIA/EIR, the Council informs requesters of the Council's internal review process, however people may complain directly to the ICO if they feel their rights have not been upheld. Having made relevant enquiries or investigations, the ICO then issues their decisions to both parties. Such decisions may also be published to their website.
- 1.1.6 This report relates to the Council's handling of requests for information under FOIA, EIR and DPA; the number and outcome of internal reviews; and the number and outcome of complaints made to the ICO about Coventry City Council during 2013/14.

1.2 2013/14 FOIA/EIR Requests

- 1.2.1 As paragraph 1.1.1 above refers, the Council is required to respond to all valid FOI/EIR requests within 20 working days. The ICO monitors and publishes information about those authorities who respond to 85% (or less) of requests within 20 working days. During 2013/14 the Council received 1317 requests (1249 FOIA and 68 EIR), of which 1190 (90%) were completed within 20 working days. The Council does not record the reasons why requests exceeded the statutory timescale; however this can be due to several reasons such as: delays in identifying whether the information is held and/or internal deliberations around the application of any valid exemptions.

1.3 2013/14 FOIA/EIR Internal Reviews

- 1.3.1 The Council received 26 requests for FOIA/EIR internal reviews. The following table provides a summary of the reasons for the internal reviews and the outcomes by volume.

Freedom of Information Reviews		
No.	Reasons for the Review	Outcome
2	Withheld information was not personal data	Complaint not upheld - no further information provided
2	Information not supplied as requested	Complaints not upheld - no further information provided
8	Information was not provided although held	6 Complaints not upheld – no further information provided 2 Complaints upheld – additional information provided
1	Personal data (name of the complainant) disclosed unlawfully	Complaint upheld – information redacted from the published Disclosure Log
6	Questions not answered	4 Complaints not upheld – no further information provided 2 Complaints upheld – additional information provided
3	Questions not answered and exemptions applied incorrectly	Complaints not upheld – no further information provided
1	Response not received	Complaint upheld – information resent to correct address
1	Exceeded timescales	Complaint upheld – information provided along with apology

Environmental Information Regulations		
No.	Reasons for the Review	Outcome
2	Questions were not answered and exemption applied incorrectly	1 Complaint not upheld – no further information provided 1 Complaint upheld – additional information provided

1.4 2013/14 ICO Complaints re FOIA/EIR

- 1.4.1 The Council received 2 ICO complaints (1 FOIA, 1 EIR,) during the course of the year. A summary of the complaints, the ICO's decisions and outcomes are as follows:
- 1.4.2 FOIA Complaint: The Council withheld information relating to the investigation of an allegation of abuse of vulnerable adults.
- 1.4.3 ICO Decision: Not upheld and no further action was required.
- 1.4.4 EIR Complaint: The Council withheld correspondence in regard to the felling of trees. ICO Decision: Partially upheld - however the Council had reviewed their decision and disclosed additional information prior to the ICO decision being received. No further action.

1.5 2013/14 DPA Requests

- 1.5.1 The Council received 148 DPA subject access requests during the year, of which 119 (80%) were completed within 40 calendar days. The Council does not record the reasons

why requests exceeded the statutory timescale. However it is typically due to requests around social care matters which are both complex and involve substantial amounts of information, which needs to be considered and often redacted prior to any disclosure to protect the sensitive personal data of third parties.

1.6 2013/14 DPA Internal Reviews

1.6.1 The Council received 6 requests for DPA internal reviews. The following table provides a summary of the reasons for the internal reviews and the outcomes by volume.

Data Protection Act		
No.	Reasons for the Review	Outcome
4	Information incorrectly withheld	4 Complaints not upheld – no further information provided
2	Information disclosed unlawfully	2 Complaints not upheld – no further action

1.7 2013/14 ICO Complaints re DPA

1.7.1 The Council received 6 ICO complaints during the course of the year. A summary of the complaints, the ICO's decisions and outcomes are as follows:

DPA Complaint: The Council obtained sensitive personal information without a valid basis.

ICO Decision: Not upheld and no further action was required.

DPA Complaint: The Council had unlawfully disclosed sensitive personal data.

ICO Decision: Not upheld and no further action was required.

DPA Complaint: Concerns regarding the security of personal data processed by the Council

ICO Decision: Upheld with recommendations that: Council-wide policies and procedures for handling personal data, ensuring that the security and accuracy of personal data are adequately addressed; and a review the Council's approach to staff training to make it mandatory and that mandatory refresher training is provided at regular intervals.

3 DPA Complaints: Failing to comply with 3 data subjects' rights to receive information within 40 calendar days.

ICO Decision: Complaints upheld. Information to be released within specified timescales and a recommendation to strengthen processes to ensure future compliance with subject access requests.

2. Options considered and recommended proposal

2.1 It is important that the Council continues to monitor and report on its performance in relation to access to information requests, reviews and ICO complaints. This, together with the oversight of elected Members helps to promote high standards of information governance and continuous improvement. It is therefore proposed that the Officers continue to prepare an annual report goes to the Council's Audit & Procurement Committee and Cabinet Member (Policy & Leadership) to provide assurance that the Council is complying with its responsibilities under FOIA and DPA.

3. Results of consultation undertaken

3.1 None

4. Timetable for implementing this decision

4.1 None

5. Comments from Executive Director, Resources

5.1 Financial implications

There are no financial implications in relation to the recommendations in this report.

5.2 Legal implications

There are no specific legal implications arising out of the recommendations. However, the Council's performance is subject to external scrutiny by the ICO. The monitoring and reporting on the outcomes of ICO complaints represents good practice and promotes good governance and service improvement.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The monitoring and reporting of the Council's performance for responding and handling access to information requests under FOIA and DPA together with all ICO complaints will promote high standards of information governance and contribute to the openness and transparency of the Council's decision making and commitment to continuous service improvement and equality.

6.2 How is risk being managed?

The reporting and monitoring on the Council's performance and outcomes of ICO complaints will help reduce the risk of the ICO upholding complaints and taking enforcement action against the Council.

6.3 What is the impact on the organisation?

As set out in 6.1

6.4 Equalities / EIA

As set out in 6.1

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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