

Coventry City Council
Minutes of the Meeting of the Audit and Procurement Committee held at 3.00 pm
on Monday, 15 March 2021
(This meeting was held remotely)

Present:

Members: Councillor R Lakha (Chair)
Councillor J Blundell
Councillor T Sawdon
Councillor B Singh
Councillor R Singh

Employees (by Service):

P Jennings, Finance
L Knight, Law and Governance
S Lock, Law and Governance
R Martin, Finance
K Tyler, Finance
A West, Law and Governace

In attendance: Z Francis (Grant Thornton)
M Stocks (Grant Thornton)

Apologies: Councillor M Ali and R Brown

Public Business

41. Declarations of Interest

There were no disclosable pecuniary interests.

42. Minutes

The minutes of the meeting held on 25th January 2021 were agreed as a true record. There were no matters arising.

43. Outstanding Issues

The Audit and Procurement Committee considered a report of the Director of Law and Governance which identified issues on which a further report / information had been requested or was outstanding so that Members were aware of them and could manage their progress.

Appendix 1 to the report provided details of issues where a report back had been requested to a meeting, along with the anticipate date for consideration of the Matter. In relation to item 1, "Corporate Risk Register Update – Consideration be given to Risk 020 relating to Brexit being rated as red and a report prepared for Committee", the Committee were advised that this matter would be dealt with in the Corporate Risk Register report to be considered later in the meeting. An update was further provided that reports in respect of item 2 "Progress of recommendations made in respect of the audit of IT Disaster Recovery" and item 3

“An annual update report on severance packages” would be submitted to a meeting early in the new municipal year.

Appendix 2 of the report provided details of items where information had been requested outside formal meetings, along with the date when this had been completed. The Committee were advised that the information requested at item 1 “Information on the last SPD exercise undertaken in conjunction with 3rd party” had now been circulated.

RESOLVED that, the Audit and Procurement Committee note the Outstanding Issues report.

44. Work Programme 2020/21

The Audit and Procurement Committee considered a report of the Director of Law and Governance which set out the work programme of schedule issues to be considered by the Committee during the 2020/21 municipal year.

RESOLVED that, the Audit and Procurement Committee notes the Work Programme for 2020/21.

45. 2020/21 Third Quarter Financial Monitoring Report (to December 2020)

The Audit and Procurement Committee considered a report of the Director of Finance, which had also been considered by the Cabinet on 16th February 2021, that set out the forecast outturn position for revenue and capital expenditure and the Council’s treasury management activity as at the end of December 2020. The headline revenue forecast for 2020/21 was for net expenditure to be £33.3m (£36.3m at Quarter 2) over budget before the application of COVID-19 emergency funding for local government. After the use of this grant, the net under-spend was £0.5m (£3.5m overspend at Quarter 2). At the same point in 2019/20 there was a projected underspend of £1.9m.

The position included an underlying overspend of £9m within Children’s Services although £6.7m of this had been attributed to the pandemic and funded from one-off Covid funding, accordingly, leaving a net overspend of £2.3m. Where financial pressures were anticipated to continue beyond the current financial year, they had been reflected in the forthcoming 2021/22 Budget Report. Underspends within Central Budgets and Housing and Transformation had helped to deliver the overall underspend position.

The Council had been able to stabilise its 2020/21 financial position both in terms of its business as usual services and the activity and impacts arising from the Covid pandemic. It was clear though that significant financial risk remained in relation to the future trajectory of Covid costs and funding. There remained a financial imperative to focus on the medium-term horizon and it was important for the Council to tackle the anticipated legacy effects of Covid.

The Council’s capital spending was projected to be £231m and included major scheme expenditure which ranged from investment in to the A46 Link Road, Coventry Station Masterplan, Whitley South infrastructure, Public Realm, Secondary Schools expansion and the National Battery Plant. The impact of Covid

had been relatively modest in terms of delays to progressing capital schemes and the Council was on track to exceed the high levels of programme spend achieved in 2019/20.

RESOLVED that, the Audit and Procurement Committee, having considered and noted the proposals in the report, made no recommendations to Cabinet.

46. **Corporate and COVID-19 Risk Registers**

The Audit and Procurement Committee considered a report of the Director of Finance, that sent out the outcome of the review of the Corporate Risk Register 2021/22 and the COVID-19 Risk Register and the controls in place to address these risks.

The Council's Corporate Risk Register and COVID-19 Risk Registers are set out in the context of three important factors, firstly the ongoing challenge of the resources available, secondly the demographic challenges leading to increased demand for services whilst quality must be maintained, and thirdly the COVID-19 pandemic, which has had a dramatic impact on citizens and local government.

The report provided the Committee with the outcome of the review of the Corporate Risk Register 2021/22 and provided the first opportunity for a review of the COVID-19 Risk Register.

The Corporate Risk Register was set out at Appendix 1 and had been reviewed in consultation with the Senior Management Board and the allocated Risk Manager. It identified the main risks facing the Council, the planned risk treatment and the progress made to date, where responsibility lies for the Council's response and the risk control status using a traffic light system. It was noted that the Corporate Risk Register covers only those risks that are viewed as the most critical for the Council and which are considered at a corporate level. Risk management activity continued throughout the Council dealing with those of a lower risk.

The report identified those risks that were new to the Register, those with an amended title, and those that had been removed since the Register was last considered by the Committee.

The Corporate Risks could be considered in two separate categories of Operational / Business as Usual and Specific / Project. Operational / Business as Usual risks included Finance (CR001), Health and Adult Social Care (CR006), Safeguarding Children and Young People (CR007), Information Governance (CR014), Failure to Comply with Health and Safety Legislation (CR016) and Economic Downturn (CR021). The Specific / Project risks included Sky Blue Sports and Leisure (CR002), ICT Infrastructure and Change (CR003), Workforce Strategy (CR005), Homelessness and Temporary Accommodation (CR019), Children's Social Services Workforce Stability (CR022) and Elections (CR023).

The Committee were advised that on page 62 of the document pack, in relation to Health and Adult Social Care Risk (CR006), text had been omitted from the Corporate Risk Register as follows:

Column 1 (planned treatment) should include “Market engagement on a range of sustainability and viability issues”.

Column 3 (Progress to date) should indicate that “the Infection Control Fund expires on 31st March 2021.

Column 5 (Control Status) should be Amber and not Green.

In considering the Corporate Risk Register, the Committee requested that future reports include an additional column indicating the risk level when last reported, in order to provide a comparison to the current risk position.

In addition, the Committee requested that investigations be carried out into the opportunity for the Council to operate its own employment agency, particularly for the employment of Social Work Staff. The Committee were advised that investigations had previously been undertaken in relation to this matter and officers undertook to provide the Committee with the outcome of these investigations.

The Committee went on to consider the COVID-19 Risk Register at Appendix 2 and it was noted that this was the first time that the Register had been submitted to the Committee. The COVID-19 Register had been created at the beginning of the Pandemic crisis and the Risks were grouped under the following themes:

Theme 1	Children Safeguarding and Education
Theme 2	Adult Social Care
Theme 3	Decision Making and Governance
Theme 4	Financial Implications
Theme 5	Staff Support and Health and Safety
Theme 6	General Data Protection Regulation and Data Protection Act Compliance
Theme 7	Support for Those Who Are Homeless or at Risk of Homelessness
Theme 8	Public Health
Theme 9	Workplace Reopening
Theme 10	Culture, Tourism and Sport
Theme 11	The Economic Prosperity of the City
Theme 12	The Identification of Asymptomatic but Infectious Individuals

The Committee indicated that when the COVID-19 Risk Register is next submitted, it would be helpful to see if the situations had deteriorated or improved and whether there appeared to be any trends.

RESOLVED that, the Audit and Procurement Committee:

- 1. Having satisfied themselves that the risks are being identified and managed, note the current Corporate Risk Register.**
- 2. Having satisfied themselves that the risks are being identified and managed, note the COVID-19 Risk Register.**

3. Request that future report contain an additional column to indicate the previous risk level for comparison purposes.

47. Information Governance Annual Report 2019-20

The Audit and Procurement Committee considered a report of the Director of Law and Governance, that provided a summary of the Council's performance during 2019/20 in responding to requests for information received under the Freedom of Information Act, Environmental Information Regulations and Data Protection Act. It also reported on the management of data protection security incidents reported and data protection training.

Information is one of the Council's greatest assets and its correct and effective use is a major responsibility and is essential to the successful delivery of the Council's priorities. Ensuring that the Council has effective arrangements in place to manage and protect the information it holds is a priority.

Data protection legislation sets out the requirements on public organisations to manage information assets appropriately and how they should respond to requests for information. The Information Commissioner's Office (ICO) is the UK's independent supervisory authority set up to uphold information rights in the public interest, promote openness by public bodies and data privacy for individuals, and monitors compliance with legislation.

The Information Governance function supports the Council's compliance with the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations (EIR), General Data Protection Regulations GDPR (now UK GDPR) and Data Protection Act (DPA) 2018. The Council has a statutory obligation to comply with this framework by responding appropriately to requests and managing personal data appropriately.

The Information Governance Team supports the organisation in meeting these requirements, co-ordinating and providing support to the Council's activity including co-ordinating requests received under legislation. The Data Protection Team, comprising the Data Protection Officer (DPO), the Head of Information Governance, and four Information Governance Officers) manage the organisations' approach to data protection including the management of data protection security incidents.

While the report covered the year 2019/20 and a future report would address the current year, the Committee noted that the landscape in which public authorities are now operating has changed significantly since 2018, which saw the introduction of the GDPR and the new Data Protection Act 2018 (DPA 2018). At the end of the 2019/20 year, the country went into lockdown as part of its response to the Covid 19 pandemic and the impact of Brexit has subsequently led to introduction of the UK GDPR.

The number of Freedom of Information Requests received by the Council had increased year on year to 1,540 in 2018/19 and a small reduction to 1,474 was seen in 2019/20. The Council responded to 78% of FOIA/EIR requests within the target time of 20 working days in 2019/20 compared to 62% for the previous year.

While the proportion of requests dealt with within the target time had improved, performance remained below the 90% target set by the ICO.

The Council received 48 requests for internal reviews in the year 2019/20. The Council responded to these with the following outcomes:

- 13 were not upheld – the exemptions that had been applied were maintained and no further information was provided
- 11 were not upheld – more information or clarification was provided
- 6 were partially upheld – some further information was provided
- 15 were upheld - information was provided
- 1 was upheld – a further exemption was engaged
- 1 was withdrawn
- 1 was closed with no further action

Five complaints were referred to the ICO during 2019/20. The reasons and outcomes for these were:

- Requester stated that they had not received a response. The response to the FOI had been issued on day 23. The ICO was notified and there was no further action.
- The response was reviewed and a revised response issued. The ICO was notified and there was no further action.
- The requester submitted an amended request and the complaint was withdrawn.
- A complaint that the requested information had not been provided was not upheld and the ICO found in favour of the City Council.
- In response to a complaint about the handling of an EIR request, the complaint was not upheld and the ICO issued a decision notice.

The City Council already publishes a significant amount of information and identifying opportunities to increase the volume and type of information published (subject to legal compliance) will increase transparency and help to reduce the number of FOI's the Council receives, if the information is already available.

The Council received 266 valid Subject Access Requests (SARs) during the course of 2019/20, compared to 225 in the previous year (see table 3). The number of SARs has been rising year on year with a significant increase seen following the introduction of the GDPR. While the Council receives fewer SARs than other information requests, many of these are complex and can involve managing significant amounts of sensitive information. The introduction of the GDPR also reduced the required response time for responding to SARs from 40 days to one calendar month. The completion rate within the target time has remained broadly the same at 72%.

Protecting information from theft, loss, unauthorised access, abuse and misuse is important in order to reduce the risk of data breaches or financial loss incurred through non-compliance with key legislation such as the DPA. It is good practice to report on information incidents and breaches. The Council encourages the reporting of near misses and potential breaches as this promotes awareness, avoids complacency thus reducing the likelihood of a serious breach to information.

In 2019/20, the Data Protection Team received 219 reports of potential data security incidents. Of these, 156 did not involve a breach of personal data. These included for example near misses, loss or theft of equipment, cases where technical measures prevented access to data and incidents where a potential breach was contained. Of the 63 incidents where a breach of personal data was identified, 42 were identified as low risk, 13 low/medium, 7 medium and 1 high. The majority of these were classified as information being disclosed in error with 5 incidents logged as a result of unauthorised access and 4 as technical/ procedural failures. The GDPR introduced requirements for personal data breaches that meet certain thresholds to be reported to the ICO. No self-reports were made to the ICO during 2019/20 compared to one in 2018/19. One complaint was made by a data subject directly to the ICO who advised an informal resolution with the City Council. While there had been a technical/procedural error, no data had been breached.

Data Protection training is key to ensuring staff are aware of their responsibilities. Training is currently delivered through the Council's e-learning platform and annual completion of the data protection course is mandatory for all staff handling personal data. Staff who do not have access to a computer in their role (not office based) and those with minimal personal data involved in their role are provided with alternative training. This ensures that an appropriate level of understanding and awareness is reached that is relevant to their role/responsibilities. In addition to the Data Protection Training there is also a need to provide specific Cyber Security training. Data Protection and Cyber Security are two separate complementary areas with equal importance for different reasons.

For the 2019/20 year, the Council reported a completion rate of the Council's mandatory data protection training of 90.64% when completing NHS Data Security and Protection Toolkit. This self-assessment tool enables public authorities to demonstrate their ability and commitment to maintain the confidentiality and security of personal information, particularly health and social care personal records. The Council met all of the standards, with the exception of that related to training which requires a minimum completion rate of 95%.

RESOLVED that, the Audit and Procurement Committee note:

- 1. The Council's performance on Freedom of Information, Subject Access and other Data Protection Act requests, including the outcomes of internal reviews and the number and outcome of complaints made to the ICO.**
 - 2. Reporting and management of data security incidents.**
 - 3. Data Protection training compliance**
48. **Any other items of public business which the Chair decides to take as a matter of urgency because of the special circumstances involved.**

There were no other items of public business.

(Meeting closed at 4.15 pm)