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| AUDIT AND GOVERNANCE COMMITTEE | AGENDA ITEM No: 12 |
| 27th SEPTEMBER 2019 | PUBLIC REPORT |

UPDATE ON FREEDOM OF INFORMATION REQUESTS, FRAUD, WHISTLEBLOWING AND COMPLAINTS

1.0 PURPOSE

- 1.1 The Audit & Governance Committee has responsibility for monitoring the Combined Authority's anti-fraud policy, whistle blowing policy and the complaints process and for reviewing the Combined Authority's corporate governance arrangements. The purpose of this report is to provide an update on those matters to the Committee

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| <u>DECISION REQUIRED</u> |
| Lead Officer: Dermot Pearson, Interim Legal Counsel & Monitoring Officer |
| RECOMMENDATIONS The Audit & Governance Committee is recommended: (a) To consider the contents of the report |

2.0 BACKGROUND

- 2.1 The Audit & Governance Committee has responsibility for monitoring the Combined Authority's anti-fraud policy, whistle blowing policy and the complaints process and for reviewing the Combined Authority's corporate governance arrangements.

3.0 MAIN ISSUES

Anti-Fraud Corruption Policy

- 3.1 The Combined Authority's Anti- Fraud, Bribery and Corruption Policy [at Appendix 1] was last reviewed by the Committee in March 2018. Since the adoption of the Policy there has been one case of attempted fraud in relation

to an invoice which is currently being investigated by Internal Audit and the Chief Financial Officer in accordance with the Fraud Response Plan which forms the appendix to the Policy.

- 3.2 The Annual Internal Audit Opinion for 2018/19, reported to the July 2019 meeting of the Committee, stated the following:

I am satisfied that sufficient quantity and coverage of Internal Audit work and other independent assurance work has been undertaken to allow me to draw a reasonable conclusion on the adequacy and effectiveness of the Authority's risk management, control and governance processes. In my opinion the CPCA has adequate systems of internal control in place to manage the achievement of its objectives. In giving this opinion, it should be noted that assurance can never be absolute and, therefore, only reasonable assurance can be provided that there are no major weaknesses in these processes.

Notwithstanding my overall opinion, Internal Audit's work identified a number of opportunities for improving control procedures which management has accepted and are documented in each individual audit report.

Whistleblowing Policy

- 3.3 The Combined Authority has received no Whistleblowing disclosures since its establishment in 2017. The Whistleblowing Policy [at Appendix 2] was reviewed by the Committee in March 2018 and adopted by the Combined Authority Board in May 2018.

Complaints

- 3.4 The Combined Authority's Complaints Policy is at Appendix 3. No complaints have been received within the last twelve months. This may reflect the Combined Authority's status as a strategic authority rather than a local authority which delivers services to individual members of the public.

Freedom of Information / Environmental Information Requests

- 3.5 During the period 1st March 2018 to the date of this report the Combined Authority received 68 requests for information under the Freedom of Information Act and 3 requests for information under the Environmental Information Regulations. All requests and responses are published on the Combined Authority's website. The main topics upon which Freedom of Information requests were made included:

- The operation of the Agri-Tech Programme Board
- Expenditure on staffing
- Expenses
- Financial information
- Gifts & Hospitality
- Mayoral visits

- Projects
- Transport issues
- Departure of senior officers

The topics upon which Environmental Information requests were made were:

- Information about research into subterranean conditions in Cambridge.
- Information about projects

3.6 Public bodies are required to respond to Freedom of Information requests within 20 working days. Performance for this period was as follows:

- 8 late responses [7 were provided within an additional 5 days but one request took an additional 19 days]
- 1 late response to an Environmental Information request [46 additional days]

The FOI request which required an additional 19 days was the result of an FOI request posted on Twitter not being picked up in a timely fashion. The late Environmental Information request was the result of it not being identified as such a request at the outset. The other late FOI responses were the result of dealing with multiple requests on the same matter, the complexity of the information requested and a delay in obtaining information from a third party.

3.7 Out of the 68 FOI requests:

- For 7 requests the information requested was not held
- For 44 requests the information requested was disclosed
- For 3 requests the applicants were referred to information on the Combined Authority's website
- For 9 requests part of the information requested was disclosed and part withheld
- For 3 requests the requested information was withheld
- For 2 requests clarification was sought from the applicants which was not forthcoming
- 12 applicants requested an internal review of the way in which their requests had been handled;
- In 8 of the 12 internal reviews the original response to the request was upheld and in the other 4 reviews additional information or explanation was provided.
- 2 applicants took their requests to the Information Commissioner following the internal review.
- For the 2 matters in which the applicants appealed the outcome of the internal reviews to the Information Commissioner, in one case the Commissioner upheld the majority of the Combined Authority's responses to the original request but required a further response to be provided on one element of the original request. In the other case the applicant approached the Commissioner as they had not received a response to their request.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising from the contents of this report.

5.0 LEGAL IMPLICATION

- 5.1 The Combined Authority is subject to the legal framework which applies to the handling of information requests.

6.0 APPENDICES

- 6.1 Appendix 1 – Anti-Fraud, Bribery and Corruption Policy
Appendix 2 – Whistleblowing Policy
Appendix 3 – Complaints Policy

| <u>Source Documents</u> | <u>Location</u> |
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| Information requests and responses on the Combined Authority's website | https://cambridgeshirepeterborough-ca.gov.uk/contact-us/freedom-of-information-requests-foi/ |