

LIVERPOOL CITY REGION COMBINED AUTHORITY

To: The Chair and Members of the Audit & Governance Committee

Meeting: 20 March 2019

Authority/Authorities Affected: All

EXEMPT/CONFIDENTIAL ITEM: No

REPORT OF THE STATUTORY MONITORING OFFICER

GOVERNANCE UPDATE

1. PURPOSE OF REPORT

1.1 The report is to:

- Inform members of the work being undertaken to update the Liverpool City Region Combined Authority (LCRCA) Constitution.
- Consider terms of reference for the Audit and Governance Committee
- To ask Members to consider a range of information management policies and recommend these to the next LCRCA meeting.
- To appoint an officer to the position of Senior Information Risk Owner for the LCRCA.
- To ask members to consider the draft Confidential Reporting/Whistleblowing policy and to recommend this to the next Combined Authority meeting.

2. RECOMMENDATIONS

2.1 It is recommended that the Liverpool City Region Audit and Governance Committee:

- (a) Note the work being undertaken to update the LCRCA Constitution
- (b) Consider the Terms of Reference for the Audit and Governance Committee to determine if updating is required.
- (c) Consider the information management policies and arrangement and recommend their adoption to the LCRCA (Appendices 1, 2 and 3).
- (d) Recommend to the LCRCA the appointment of John Fogarty, as the Senior Information Risk Owner for the LCRCA.
- (e) Consider the draft Confidential Reporting/Whistleblowing Policy and to recommend its adoption to the LCRCA (Appendix 4).

3. BACKGROUND

Constitution

- 3.1 Members will be aware that a revised LCRCA Constitution was presented to and agreed by the LCRCA in May 2018 (the May 2018 version). This May 2018 version of the Constitution represented a significant change to its predecessor. Officers and the LCRCA as an entity have now had the opportunity to work with the May 2018 version of the Constitution.
- 3.2 An important role for a Monitoring Officer is to ensure that the Constitution is up to date, relevant and represents the reality of the entity of the LCRCA. To that end, work has been undertaken to liaise with the senior management team of the LCRCA to ascertain which parts of the Constitution are supportive or otherwise of their functions, responsibilities and operational requirements.
- 3.3 Members attention is drawn to the suggestions made in paragraphs 3.10 and 3.11 to consider whether such changes to the Terms of Reference for the Audit and Governance committee should be proposed to the LCRCA.
- 3.4 In future it is also suggested that constitutional amendments be formally considered by the Audit and Governance Committee in advance of their submission to the LCRCA for approval.

Information Management

- 3.5 Further as the LCRCA evolves as an entity it is important that it has in place a range of information management policies and considerations. To that end the LCRCA's Publication Scheme (Appendix 1) is attached for consideration prepared in accordance with freedom of information legislation requirements. An internal audit carried out has recommended that this is formally adopted by the CA. Consideration by this Committee will be the first step on this journey to adoption by the CA.
- 3.6 In addition the Committee is asked to note that the LCRCA is supported by a range of arrangements in place for information management within Merseytravel. These include a Merseytravel's Information Management Group (IMG) and it is considered appropriate for this group to take on responsibility for LCRCA information matters. As you would expect Merseytravel already has in place policies that will be suitable with limited adaption to the LCRCA needs and requirements. A copy the IMG Annual Report for 2017/18 (Appendix 2) is attached to demonstrate the work that is undertaken for Merseytravel.
- 3.7 There are a range of policies that currently exist for Merseytravel and it is proposed with a little adaption that these be applied to the LCRCA. The list of those policies is contained in the Information Management Policy Framework (Appendix 3). Copies of the policies have been circulated to members of the Committee electronically, published as part of this agenda and can be made available to all members manually if requested.

- CCTV Code of Practice
- Data Protection policy
- FOI and EIR policy
- IMG Terms of Reference
- Information Asset Register
- Information Security Incident Management Protocol
- IT Acceptable Use Policy
- IT Security Policy
- Media Policy for Staff
- Mobile Device Acceptable Use Policy
- PCIDSS policy
- Publication Scheme
- Records Management Policy and Procedures
- Records Retention Schedule and Guidance
- Social Media Policy
- Data Protection Impact Assessment Guidance and Template
- Guest W-Fi Procedure
- Third Party Access Agreements and Data Sharing Template

3.8 Members will recall that at a meeting of the LCRCA on 29 June 2018 LCRCA meeting approved the appointment of Andy Henderson (Senior Information Management Officer (SIMO) in Merseytravel's Legal department) as Statutory Data Protection Officer for the LCRCA. The SIMO also has responsibility for ensuring Merseytravel and the CA's records management procedures and compliance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Local Government Transparency Code 2015 and requests under the Accounts and Audit Regulations 2015.

The Committee may also be interested to know that, in accordance with the recently revised Freedom of Information Code of Practice, statistics for how the CA has handled FOI requests are now published. These are on the revamped LCRCA website at this link <https://www.liverpoolcityregion-ca.gov.uk/governance/policy-documents/#freedom-of-information>

The CA received more requests (21) in the first three reporting quarters of 2018/19 than in the entirety of 2017/18 (17), reflecting the increased public awareness of the LCRCA work. All requests have been responded to on time.

3.9 In addition and to benefit from the information management arrangements that Merseytravel has in place, it is proposed that John Fogarty be formerly appointed to the role of Senior Information Owner (SIRO).

3.10 In recognition of the current constitution, there are no arrangements in place for the Audit and Governance Committee to agree such corporate policies as the information management policy or to appoint individuals to the key positions required to manage information processes and procedures within the LCRCA. To that end the considerations by this Audit and Governance Committee will be duly referred to a meeting of the LCRCA for final sign off.

- 3.11 It is anticipated that the future revised constitution will also consider the terms of reference for the Audit and Governance Committee. It will determine, through the process outlined above, whether it will be appropriate for the Audit and Governance Committee to have delegated authority to agree such items in the future on behalf of the LCRCA.

Confidential Reporting/Whistleblowing

- 3.12 It is also important for the LCRCA to have in place its own Confidential Reporting/Whistleblowing policy. The need for this has become greater since an increased number of staff have been appointed to work directly for the LCRCA. Similarly to the information management arrangements it is proposed that the Confidential Reporting/Whistleblowing policy adopted mirror as far as possible the one adopted by Merseytravel. The proposed Confidential Reporting/Whistleblowing policy is attached for consideration (Appendix 4) and if agreeable recommendation on to the LCRCA meeting.
- 3.13 The Confidential Reporting/Whistleblowing Policy is one of a suite of counter-fraud policies. Further counter-fraud policies will be submitted for approval in due course.

4. RESOURCE IMPLICATIONS

4.1 Financial

None arising from the contents of this report.

4.2 Human Resources

None arising from the contents of this report.

4.3 Physical Assets

None arising from the contents of this report.

4.4 Information Technology

None arising from the contents of this report.

5. RISKS AND MITIGATION

- 5.1 Updating the LCRCA constitution in the way proposed ensures that it is up to date, reflects the reality in terms of governance of the LCRCA and allows both the Audit and Governance Committee and LCRCA members to consider it in advance of adoption. Similarly consideration and onward recommendation of both the information management policies and arrangements and the Confidential Reporting/Whistleblowing policy will ensure that appropriate governance is in place.

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 None arising from the contents of this report.

7. COMMUNICATION ISSUES

7.1 Once agreed a revised and updated constitution will be included on the website for the LCRCA. Where appropriate and necessary, information governance information and Confidential Reporting/Whistleblowing policy will also be included on the website.

8. CONCLUSION

8.1 The report:

- commends an approach to revising the LCRCA constitution
- seeks consideration of the terms of reference of the Audit and Governance Committee
- requests that certain policies and information management arrangements be adopted ultimately by the LCRCA.
- requests that an individual officer be appointed to the position of SIRO for the LCRCA.
- Requests that a Confidential Reporting/Whistleblowing report be adopted for the LCRCA.

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Appendices:

Appendix One – LCRCA Publication Scheme

Appendix Two – LCRCA IMG Annual Report 2017/18

Appendix Three - Information Management Policy Framework

Appendix Four - Draft Confidential Reporting/Whistleblowing Policy

Background Documents:

Nil