

Supplement 2 [updated] to the agenda for

Audit and Governance Committee

Monday 30 January 2023

10.15 am

Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

13 February 2023: This supplement has been updated to include supplementary questions and responses.

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Audit and Governance Committee: Questions from members of the public**30 January 2023****Question 1:****From: Ms. Currie, Hereford**

Given multiple families claim that data breaches are happening in the social care directorate (missing/incorrect data). Can the council be clear to members of the public how they can get access to this information and how that it can be corrected. Special consideration is needed for families with children who are told by the information governance team they cannot access information held about themselves as it is contained on files relating to children. Yet the data subject is allowed to request why the data controller believes this is reasonable and is entitled to make representations.

Given the documented failures by Herefordshire Children's Services including doctored documents submitted to court why is this Council not giving clear instructions to this department for it to act with reasonableness and release the data due to competing interests and risk item CF.07?

Response to Question 1:

The information governance team do not refuse access to records under the subject access provisions of the Data Protection Act 2018. When processing requests the team have to carefully consider each document and its contents. I would like to clarify that this team is only able to provide you with information which relates to you as the data subject. There are a number of exemptions that could be applied to the records and these include any information regarding another person, as those individuals have a right to privacy; documents presented as part of a legal proceedings (which you may obtain from the courts); reports from other individuals where Herefordshire Council is not the data controller (copies would need to be obtained from the authors organisation) etc.

A guide to subject access requests is available on our website and it provides details about what you can expect to receive in response to requests.

<https://www.herefordshire.gov.uk/council/access-information/5>

With regards to disputes around inaccurate data held on files we have a clear process in place for these disputes to be raised and the relevant recordings to be made on file or corrections to be made. This process is detailed within the guidance on our website:

https://www.herefordshire.gov.uk/downloads/file/14086/your_personal_data_rights

Supplementary Question A:**From: Ms. Currie, Hereford**

Families effected state data the CYPD process is inaccurate. It is after proceedings conclude this missing/misleading documented information comes to light. One exemption being used is data is social work data not that it belongs to third parties.

Families know information has, had detrimental effects on decisions being made. Their position is it is the result of failing to upload/enter information by CYPD staff or the deletion of current information during data cleansing by admin staff. To support serious complaints about staff SARs are being made and refused. As a result this council need to ask it's representative, if this isn't due to incompetence/poorly trained staff and is (as the staff would like to claim) the IT system (Mosaic) responsible What steps have they taken to recover lost data/source a fit for purpose IT system in conjunction with those who would know what data is missing i.e. the families?

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Response to Supplementary Question A:

A full audit of every case file has been completed within Children's services. Where it has been identified that documents have not been uploaded to the system work has been undertaken to locate these documents and upload them to the correct file.

As advised we have a clear process in place for disputes about inaccurate data to be raised. This process is detailed within the guidance on our website:

https://www.herefordshire.gov.uk/downloads/file/14086/your_personal_data_rights

The right of access give individuals the right to request their information subject to exemptions. The right to rectification entitles individuals to have inaccurate personal data about them rectified. The Data Protection Act 2018 states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact. Evidence to support this should be provided with the initial request to rectification.

Question 2:

From: Mrs. Portman-Lewis, Hereford

The Quarter 3 internal audit report shows that a whistle-blowing complaint about fraud in the Children's Directorate has been received. What is the process for dealing with whistle-blowing complaints to ensure there is no possibility of a cover up and in this case what was the outcome of the initial review into the complaint?

Response to Question 2:

Thank you for your question. The council's audit and governance committee's responsibility is to review the current and any future changes to the council's whistleblowing policy. The current whistleblowing policy can be found via this web-link:

<https://councillors.herefordshire.gov.uk/documents/s50101359/Part%205%20Section%205%20Whistleblowing%20Policy.pdf>

The monitoring officer will review the corporate register and produce an annual report for the chief executive and internal audit. The review will include a summary of the concerns raised, to which department they relate, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that: the council and/or the relevant departments learn from mistakes and does not repeat them, and for consistency of approach across the departments.

The committee is unable to disclose matters in relation to individual whistle-blowing complaints.

Supplementary Question B:

As per point 5.5.18 in your whistleblowing policy, it is not clear if you routinely report unlawful acts to the police, allowing external agencies to conduct further investigation when such serious conduct issues such as fraud arise. In your quarter 3 audits report it states this happened, it is understood you're not able to report a name or detailed evidence but your answer remains cloudy at best & not in the spirit of transparency & openness.

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Therefore the officers rank should be clearly identified & the outcome from internal investigation shared in the public's best interest was the employee in question during your disciplinary process found guilty & dismissed with gross misconduct as a result?

Response to Supplementary Question B:

The Council does not routinely report unlawful acts to the police. However, if issues of criminality are identified then matters would be referred to the police if appropriate. The processes the Council uses to investigate Whistleblowing allegations are outlined in the Whistleblowing Policy. The Council does not discuss individual cases for legal reasons.

