

Title: Shared Information Governance Service
 Lead Officer: Head of Governance and Monitoring Officer
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 Portfolio Holder: Councillor Davison
 Wards of the District directly affected: None

Approvals required	Date	Name
Portfolio Holder	26/3/24	Councillor Davison
Finance		
Legal Services		N/A
Chief Executive	26/3/24	Chris Elliott
Director of Climate Change	25/3/24	Dave Barber
Head of Service(s)	26/3/24	Graham Leach
Section 151 Officer	25/3/24	Andrew Rollins
Monitoring Officer	26/3/24	Graham Leach
Leadership Co-ordination Group	25/3/24	
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	Yes, confidential appendix by virtue of Paragraphs 3	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Summary

The report brings forward a proposal to create a shared Information Governance Team with Stratford-on-Avon District Council (SDC), to provide a more resilient and robust service.

Recommendation(s)

- (1) That the Cabinet approves the creation of a shared Information Governance Team, based at Stratford-on-Avon District Council subject to the conditions set out at Appendix 1 to the report.
 - (2) That subject to the approval of recommendation 1 Cabinet approves the additional expenditure for £23,000, from the Service Transformation Reserve for 2024/25 to enable the creation of the team, and for the additional funds for future years to be built into the based budget and Medium Term Financial Strategy as growth.
 - (3) Subject to the approval of recommendations 1 and 2 authority is delegated to the Head of Governance & Monitoring Officer to complete any necessary agreements to deliver this service.
 - (4) A review of the service and its performance is undertaken after 12 months to demonstrate its value for money for both Councils.
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1 Reasons for the Recommendation

- 1.1 This Council has shared an Information Governance Manger (IGM), who also acts as the Council's Data Protection officer, since early 2018. This role was designed to look at the policy, training and compliance side for handling information requests and associated governance on data protection.
- 1.2 This arrangement has largely worked well with the IGM supported by an officer at SDC, to help with administering requests and some of the advice) and by the Corporate Support Team at WDC.
- 1.3 Over this time the retention to the IGM has averaged at under two years per person in post. The reasons for this have been around two primary aspects, competitiveness of salary, and demands on the role of having to use two distinct ICT systems combined with overall demand. The second of these has also led, at times to challenges in officers from one or other Council struggling to contact the IGM.
- 1.4 As part of the proposed merger between SDC and WDC this was one of the areas which was due to merge early on however the restraint on this was due to resolving the access two authorities ICT system until this was combined. With other priorities in other areas for ICT as part of the merger this aspect was delayed and with the end of the merger not progressed.
- 1.5 Post merger WDC established an IG Officer role on a two year contract. This was to replicate the establishment at SDC and enable dedicated support for the IGM. This presented challenges in respect of line management as the IGM is an SDC employee and they cannot line manage a WDC employee, within the law without specific legal agreements being in place.
- 1.6 Since the summer of 2023 there have been new Heads of Service for this arrangement at both SDC and WDC and it was agreed to explore the option of a shared service with a business case coming to Cabinet for consideration. This

was supported with additional funds included for this work within the budget report for 2023/24 based on initial cost estimates.

- 1.7 There are impending legislation changes on information governance with a bill sat in parliament due to receive royal assent before the next General election. It is anticipated this bill will come with a phased two year introduction but will require significant overhaul of information governance framework, training and associated information.
- 1.8 Based on this it was considered that a single team working collaboratively across both Council's would produce a greater efficiency of service and knowledge, but also resilience during this time.
- 1.9 The business case was being developed by the Interim IG Manager. However, they left and work on this has stalled, until now it has been picked up by the respective Heads of Service at SDC and WDC to bring forward this report.
- 1.10 The proposal is that the team were based at SDC and comprised of a manger, who would also be Data Protection Officer, an officer and two assistants. All full time and permanent. The costs for which would be split equally (50/50) between the two Council's. These jobs have been through the salary evaluations at SDC and have come back with anticipated total costs (salaries plus on costs) to WDC of £88,000, which is £22,000 above the original estimate. This is because with revisions to the job descriptions the salaries have come out at significantly more than before for the Manager role (but within what is considered comparable market rate). These are also the current maximum costs if the individuals all reached the top of their salary grades, which is unlikely to occur within the first 12 months.
- 1.11 The level of staffing and roles is still considered appropriate to respond to the challenges faced by the service and the importance of the regulatory requirements in delivering good information governance and meeting the performance standards set by the Information Commissioner.
- 1.12 WDC and SDC have similar levels of resource demand from requests for information (which has remained consistent over the five years) although SDC have more requests than WDC, WDC have significantly more subject access requests which are more time consuming to process. The Councils had broadly similar, but not identical, information governance frameworks in place. There are however two different approaches to delivering mandatory training for information governance at both Council's (through different e-learning systems which are unlikely to change soon to agreed contracts) but both these are supported by additional face to face training.
- 1.13 Both Council's use the same ICT system, developed in house by SDC for the management of requests for information. This is an effective system and well respected by officers at both authorities.
- 1.14 It is possible to provide appropriate secure access for officers to these separate requests systems no matter if the Information Governance Team are based at either Council. This reduces the need for Officers within a shared team to work on two separate ICT networks but does not remove this entirely. However, it does maintain a separation in data between the two Council's requests systems which is considered appropriate for data security and transparency.
- 1.15 The need for access to a second system is further reduced by agreement of the host Council using their email service for the team. This would see emails being sent and received for WDC business from SDC email addresses. However, this

is the same arrangement as for the shared legal service where emails make it clear it is a shared team.

- 1.16 The Cabinet should also be aware that the current agreement for the provision of and IGM requires an authority wishing to leave this agreement to provide 12 months notice and also that both Council's are equally liable for any resultant costs of redundancy.

2 Alternative Options

- 2.1 There are several alternative options available to the Cabinet which they could consider.
- 2.2 The Cabinet could decline the approach to form a joint team and have a team within WDC. It is estimated that to provide a competitive salary to gain the relevant knowledge within the Council along with an officer to support them will cost similar amount to the provision of the shared team. This would also increase risk of down time of service. This was therefore discounted.
- 2.3 The Cabinet could decline the additional cost and require the team to be built within the agreed budget. This is not considered appropriate because of the challenges and demand the service is expected to face over the next two years. However, the Cabinet could also consider providing the additional funding for a time limited (for example the two years) next two years.
- 2.4 The Cabinet could propose that shared IG team is hosted by WDC rather than SDC. This is not unreasonable and would balance the shared legal service hosted by SDC. This may be impracticable and potentially slow the delivery of the team as would require the transfer of a current employee to WDC.

3 Legal Implications

- 3.1 The Council is required to have a designated officer as Data Protection Officer. At present this role is undertaken by the shared Information Governance Manager.

4 Financial Implications

- 4.1 The reports seeks a further £22,000 from within the service transformation budget. This reduces the availability of funds within that budget for other projects. The report also seeks this as ongoing funding and this will place further strain on the Council's budget and increase the budget deficit further without any potential savings to offset this.

5 Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. The report does not directly contribute to any of these; however, this is an essential service with statutory responsibility of service delivery and an overall responsibility for good governance. The application of good information governance management should reduce cost to the Council both in terms of storage and officer time managing records effectively.

6 Environmental/Climate Change Implications

- 6.1 The report has no direct implications for the Council's policies and Climate Emergency Action Plan.

7 Analysis of the effects on Equality

7.1 The report has no effects on the impact of equality.

8 Data Protection

8.1 The proposed SLA will require a Data Protection Impact Assessment to be completed which will be based on the one completed during the proposed merger of the two authorities and that operates successfully with the shared legal service. This will be required to demonstrate appropriate controls of any data being transferred between both Council's.

9 Health and Wellbeing

9.1 There are no direct health and wellbeing implications of the proposal.

10 Risk Assessment

10.1 The risk of failing to deliver good information governance across the Council are significant with the ability for fines, prosecutions and civic claims against the Council. There is also the potential for significant reputational damage through service failure due to perceived poor information governance.

10.2 Appropriate resources need to be in place to ensure that legal requirements can be supported across the Council from the very simple enquiries on responding to information requests to checking and a providing privacy impact assessments for personal data usage (including checking any new contracts for service delivery to ensure they provide adequate protection). This will also include risk assessing any data incident and providing appropriate response and guidance for that incident, some which have a legal requirement to inform the ICO within 72 hours of the Council becoming aware.

10.3 It is important therefore to have sufficient resources in place to respond to the demand, while recognising that officers will be absent from the office at time. The proposal in the report is considered to provide that level of resource through working collaboratively with SDC. It also allows for regular review and appropriate performance monitoring to ensure value for money.

Background papers: None

Supporting documents: None