



THE POLICE, FIRE AND CRIME COMMISSIONER FOR
NORTH YORKSHIRE AND THE CHIEF CONSTABLE
OF NORTH YORKSHIRE

Follow Up of Previous Internal Audit Management Actions:
Visit 1

FINAL

Internal audit follow up report 1.20/21

2 September 2020



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Client sponsor	Risk and Assurance Manager
Distribution	Risk and Assurance Manager

1 EXECUTIVE SUMMARY

1.1 Introduction

As part of the approved internal audit plan for 2020 / 2021, we have undertaken a review to follow up progress made by the organisations to implement the previously agreed management actions.

The scope of the review covers management actions closed by management from 17 January 2020 to 21 July 2020, and as such the audits considered as part of the follow up review were:

- Subject Access Requests (SAR) (2018 / 2019);
- Freedom of Information (2018 / 2019);
- Open Investigations and Crimes (2018 / 2019);
- SharePoint Security (2018 / 2019); and
- Integrated Offender Management (2019 / 2020).

The seven management actions considered in this review comprised of **two high** and **five medium** priority actions. The focus of this review was to provide assurance that all actions previously made have been adequately implemented.

1.2 Conclusion

Taking account of the issues identified in the remainder of the report and in line with our definitions set out in Appendix A, in our opinion the Police, Fire and Crime Commissioner for North Yorkshire and the Chief Constable of North Yorkshire have demonstrated **reasonable progress** in implementing agreed actions.

Of the seven management actions considered in this review, we confirmed six actions had been fully implemented. However, we have raised one new medium management action to ensure progress on reducing the backlog of FOI requests and SARs is continued now that additional staffing resources have been implemented as per the following original two management actions:

- Subject Access Requests (2018 / 2019)
Resources to undertake subject access requests needs to be reviewed in order to increase the compliance rate. An assessment of resources required as well as where responsibility for subject access requests sits will be undertaken and potential options will be fed into the Transform 2020 project.
- Freedom of Information (2018 / 2019)
Resource to undertake FOI requests will be reviewed in order to increase the compliance rate. A risk-based assessment will be undertaken to determine whether the cost of increased resource outweighs the risks involved. This will be reviewed once a response is received from HR.

We have raised one further medium management action for the following action as the OPFCC are now dealing with their own freedom of information (FOI) requests:

- Freedom of Information (2018 / 2019)
Roles and responsibilities of the OPFCC and the Civil Disclosure Unit will be clearly defined, agreed and documented to avoid confusion and duplication. A meeting will be held between the OPFCC and CDU to clarify this.

We have identified one management action as not implemented, for which one new management action has been raised to reflect the Police, Fire and Crime Commissioner for North Yorkshire and the Chief Constable of North Yorkshire's progress in addressing the original management action.

We have made management actions where appropriate; these are detailed in section 2 of this report.

1.3 Action tracking

Action tracking is undertaken at The Police, Fire and Crime Commissioner for North Yorkshire and the Chief Constable of North Yorkshire and reported to the Joint Independent Audit Committee (JIAC). Recommendations are recorded within the Audit Recommendations Manager (ARM), which details which recommendations are completed, outstanding or superseded for each internal audit review.

1.4 Progress on actions

Implementation status by review	Number of actions agreed	Status of management actions					
		Implemented (1)	Implementation ongoing (2)	Not implemented (3)	Superseded (4)	Not yet due (5)	Completed or no longer necessary (1) + (4)
Subject Access Requests (2018 / 2019)	2	1	1	0	0	0	1
Freedom of Information (2018 / 2019)	2	2	0	0	0	0	2
Open Investigations and Crimes (2018 / 2019)	1	1	0	0	0	0	1
SharePoint Security (2018 / 2019)	1	1	0	0	0	0	1
Integrated Offender Management (2019 / 2020)	1	1	0	0	0	0	1

Implementation status by management action priority	Number of actions agreed	Status of management actions					
		Implemented (1)	Implementation ongoing (2)	Not implemented (3)	Superseded (4)	Not yet due (5)	Completed or no longer necessary (1) + (4)
Medium	5	4	1	0	0	0	4
High	2	2	0	0	0	0	2
Totals	7 (100%)	6 (86%)	1 (14%)	0 (0%)	0 (0%)	0 (0%)	6 (86%)

2 FINDINGS AND MANAGEMENT ACTIONS

This report has been prepared by exception. Therefore, we have included only those actions graded as 2 and 3. Each action followed up has been categorised in line with the following:

Status	Detail
1	The entire action has been fully implemented.
2	The action has been partly though not yet fully implemented.
3	The action has not been implemented.
4	The action has been superseded and is no longer applicable.
5	The action is not yet due.

Ref	Management action	Audit finding	Current status	Updated management action
1	<p><u>Subject Access Requests (2018 / 2019)</u></p> <p>Resources to undertake subject access requests needs to be reviewed in order to increase the compliance rate.</p> <p>An assessment of resources required as well as where responsibility for subject access requests sits will be undertaken and potential options will be fed into the Transform 2020 project.</p> <p>Original priority:</p> <p>High</p>	<p>The Force Solicitor and Head of Legal Services informed us that the Force self-referred themselves to the Information Commissioner's Office (ICO) in October 2019 following completion of the previous audit and an ICO audit, which was undertaken in 2019.</p> <p>The Force Solicitor and Head of Legal Services was aware of the risks surrounding the low compliance rates for completion of FOI requests and was working towards acquiring additional resources within the Civil Disclosure Unit (CDU) to aid with the backlog of FOI requests.</p> <p>In July 2019, the Head of Information Management presented a Civil Disclosure Resource Requirement report to the Civil Disclosure Gold Group to detail the severity of the backlog and the increasing demands within CDU. At the time, the Force had 721 outstanding FOI requests to manage, and thus the backlog was unmanageable within the team structure at the time.</p> <p>It was agreed at the CDU Gold Group meeting in September 2019 that the CDU would be provided with additional resource to assist in handling the backlog, with emphasis on the high number of outstanding FOI requests.</p> <p>The Force have now recruited one full-time permanent Legal Officer, one part-time Legal Officer on a two-year fixed term contract and three full-time Legal Officers on 12-month fixed-term contracts. The first recruitment occurred in October 2019 and the Force had a full team in post by March 2020.</p>	1	<p>New management action raised</p> <p>The CDU will continue working towards reducing the backlog of FOI requests and SARs, whilst managing incoming requests, to increase the Force's compliance rate.</p> <p>Responsible Officer:</p> <p>Force Solicitor and Head of Legal Services</p> <p>Police Lawyer (CDU)</p> <p>Priority:</p> <p>Medium</p> <p>Implementation date:</p> <p>31 December 2020</p>

Original implementation date:

31 December 2019

Although, the additional positions were hired for the purpose of reducing the backlog of FOI requests, the additional staffing resources has helped the workload within CDU and thus assist in the backlog of SARs.

The Force Solicitor and Head of Legal Services provides a CDU Monthly Report to the Deputy Chief Constable (DCC) to confirm the CDU's position in addressing the backlog of FOI requests, Subject Access Requests (SAR) and Information Sharing Agreements (ISA). The below table shows the Force's current position (June 2020) in tackling the backlog compared with data reported for October 2019:

Data as reported to CDD 30 June 2020	June 2020	October 2019
Total number of outstanding requests (received 2020-21)	75	-
<i>Total number of outstanding requests overdue (received 2020-21)</i>	28	-
Total number of outstanding requests (received 2019-20)	75	475
<i>Total number of outstanding requests overdue (received 2019-20)</i>	75	366
Total number of outstanding requests (received 2018-19)	2	527
<i>Total number of outstanding requests overdue (received 2018-19)</i>	2	527
Total of all requests outstanding	152	-
Total of all overdue requests	105	-

It was further reported as of 30 June 2020, that the CDU had completed 79% of SARs within one calendar month. We noted that there was a slight dip in completion of SARs during the Covid-19 pandemic; however, this compliance rate is once again increasing.

The data verifies that the Force have made good progress in addressing the backlog of FOI requests, SARs and ISAs. However, the Force Solicitor and Head of Legal Services was clear to highlight that the Force have not fully addressed the risk due to the existing backlog and rate at which the Force receive requests.

However, good progress is being made in reducing the backlog and handling incoming requests, which has been achieved through the additional staffing resources.

As the Force have acquired additional staffing resources to undertake FOI reviews, which in turn has assisted in addressing the backlog of SARs, we have categorised the original management action as implemented. A new management action has been raised to ensure the Force address the backlog of outstanding SARs and FOI requests now additional resources have been sought.

Risk Exposure	Root causes
Subject access requests will not be responded to within one calendar month leading to investigation and possible fines from the ICO.	The Force still have a backlog of outstanding subject access requests and continue to receive new requests to add to the workload.

2	<p><u>Subject Access Requests (2018 / 2019)</u></p> <p>In the absence of resource working with the DPO it is difficult to prioritise these reviews, therefore the issue of resourcing will be considered as per action three.</p> <p>Original priority:</p> <p>Medium</p> <p>Original implementation date:</p> <p>31 December 2019</p>	<p>The Force Data Protection Officer (DPO) sits within the Information Management Team. The DPO is assigned to conduct dip sample audits of SARs.</p> <p>We noted through discussions with the Police Lawyer (CDU) that SAR data is stored within the Legal Department's case management system, Iken. Unfortunately, there have been problems acquiring access to the system for the DPO, as the DPO sits outside of the Legal Department.</p> <p>It is expected these issues should be solved by September 2020 and the DPO has scheduled time to conduct dip sample audits of SARs.</p> <p>The Force have assigned resource to complete dip sample audits for SARs; however, we have confirmed this action as on-going. We have acknowledged resource is now in place to undertake this work.</p>	2	<p>Once resources are established and embedded regular dip sample audits of SARs will be undertaken.</p> <p>Responsible Officer:</p> <p>Force Solicitor and Head of Legal Services</p> <p>Police Lawyer (CDU)</p> <p>DPO</p> <p>Priority:</p> <p>Medium</p> <p>Implementation date:</p> <p>30 September 2020</p>			
		<table border="1"> <thead> <tr> <th>Risk Exposure</th> <th>Root causes</th> </tr> </thead> <tbody> <tr> <td>Inconsistencies with the subject access process are not identified and mistakes continue to be made resulting in an increased number of complaints.</td> <td>Lack of resource within the DPO team to be able to prioritise periodic reviews.</td> </tr> </tbody> </table>		Risk Exposure	Root causes	Inconsistencies with the subject access process are not identified and mistakes continue to be made resulting in an increased number of complaints.	Lack of resource within the DPO team to be able to prioritise periodic reviews.
Risk Exposure	Root causes						
Inconsistencies with the subject access process are not identified and mistakes continue to be made resulting in an increased number of complaints.	Lack of resource within the DPO team to be able to prioritise periodic reviews.						

Ref	Management action	Audit finding	Current status	Updated management action				
3	<p><u>Freedom of Information (2018 / 2019)</u></p> <p>Roles and responsibilities of the OPFCC and the Civil Disclosure Unit will be clearly defined, agreed and documented to avoid confusion and duplication. A meeting will be held between the OPFCC and CDU to clarify this.</p> <p>Original priority:</p> <p>Medium</p> <p>Original implementation date:</p> <p>31 December 2018</p>	<p>We met with the Force Solicitor and Head of Legal Services and the Police Lawyer (CDU). We were informed that the OPFCC are now dealing with their own FOI requests on an in-house basis, and thus the Force have not needed to clearly define roles and responsibilities between the CDU and the OPFCC as required under the original management action.</p> <p>The OPFCC are now responsible for managing their own FOI requests and files were passed to the OPFCC team for processing. We obtained email confirmation from the Chief Executive and Monitoring Officer to confirm this.</p> <p>The CDU report compliance rates for FOI requests and SARs on a monthly basis to the DCC to ensure that the CDU are making progress in improving the compliance rate. CDU were previously also processing OPFCC FOI requests; however, the OPFCC are now dealing with their own FOI requests. The OPFCC compliance statistics are no longer included within the reporting structure, and the Force Solicitor and Head of Legal Services is not aware of any reporting of the OPFCC FOI completion in place or how this is now being managed.</p> <p>The OPFCC may therefore benefit from a review into the progress made in improving the compliance rates for FOI requests in order to assist in good practice. We have categorised the original management action as superseded as CDU and the OPFCC now deal with FOI requests separately. However, we have raised a new management action to suggest a review into the OPFCC's FOI request process to assist in good practice.</p>	1	<p>New management action raised</p> <p>A review of the OPFCC's FOI request process will be agreed to ensure that OPFCC are adequately managing the backlog of FOI requests and to assist in good practice.</p> <p>Responsible Officer:</p> <p>Risk and Assurance Manager</p> <p>Priority:</p> <p>Medium</p> <p>Implementation date:</p> <p>30 September 2020</p>				
		<table border="1"> <thead> <tr> <th>Risk Exposure</th> <th>Root causes</th> </tr> </thead> <tbody> <tr> <td>The Police, Fire and Crime Commissioner FOI requests are missed.</td> <td>The Police, Fire and Crime Commissioner are now processing their own FOI requests and CDU no longer have involvement in reducing the backlog of request.</td> </tr> </tbody> </table>			Risk Exposure	Root causes	The Police, Fire and Crime Commissioner FOI requests are missed.	The Police, Fire and Crime Commissioner are now processing their own FOI requests and CDU no longer have involvement in reducing the backlog of request.
Risk Exposure	Root causes							
The Police, Fire and Crime Commissioner FOI requests are missed.	The Police, Fire and Crime Commissioner are now processing their own FOI requests and CDU no longer have involvement in reducing the backlog of request.							

Ref	Management action	Audit finding	Current status	Updated management action
4	<p><u>Freedom of Information (2018 / 2019)</u></p> <p>Resource to undertake FOI requests will be reviewed in order to increase the compliance rate. A risk-based assessment will be undertaken to determine whether the cost of increased resource outweighs the risks involved. This will be reviewed once a response is received from HR.</p> <p>Original priority:</p> <p>High</p> <p>Original implementation date:</p> <p>31 December 2019</p>	<p>The Force Solicitor and Head of Legal Services informed us that the Force self-referred themselves to the ICO in October 2019 following completion of the previous audit and an ICO audit, which was undertaken in 2019. The Force had an extremely low compliance rate with FOI requests at this point.</p> <p>The Force Solicitor and Head of Legal Services was aware of the risks surrounding the low compliance rates for completion of FOI requests and was working towards acquiring additional resources within the CDU to aid with the backlog of FOI requests.</p> <p>In July 2019, the Head of Information Management presented a Civil Disclosure Resource Requirement report to the Civil Disclosure Gold Group to detail the severity of the backlog and the increasing demands within CDU. At the time, the Force had 721 outstanding FOI requests to manage, and thus the backlog was unmanageable within the team structure at the time.</p> <p>It was agreed at the CDU Gold Group meeting in September 2019 that the CDU would be provided with additional resource to assist in handling the backlog, with emphasis on the high number of outstanding FOI requests. The Force have now recruited one full-time permanent Legal Officer, one part-time Legal Officer on a two-year fixed term contract and three full-time Legal Officers on 12-month fixed-term contracts. The first recruitment occurred in October 2019 and the Force had a full team in post by March 2020.</p> <p>The Force Solicitor and Head of Legal Services provides a CDU Monthly Report to the DCC to confirm the CDU's position in addressing the backlog of FOI requests, SAR and ISA. The table under management action one shows the Force's current position (June 2020) in tackling the backlog compared with data reported for October 2019. Please see management action one for further detail.</p> <p>The data verifies that the Force have made good progress in addressing the backlog of FOI requests, SARs and ISAs. However, the Force Solicitor and Head of Legal Services was clear to highlight that the Force have not fully addressed the risk due to the existing backlog and rate at which the Force receive requests; however, good progress is being made in reducing the backlog and handling incoming requests, which has been achieved through the additional staffing resources.</p>	1	Please see management action one.

As the Force have acquired additional resources to undertake the FOI reviews, we have categorised the original management action as implemented. A new management has been raised to address the backlog of FOI requests.

Please see management action one, which combines both FOI requests and SARS, for details.

Risk Exposure	Root causes
FOI requests will not be responded to within 20 days leading to investigation and possible fines from the ICO.	The Force still have a backlog of outstanding FOI requests and continue to receive new requests to add to the workload.

APPENDIX A: DEFINITIONS FOR PROGRESS MADE

The following opinions are given on the progress made in implementing actions. This opinion relates solely to the implementation of those actions followed up and does not reflect an opinion on the entire control environment

Progress in implementing actions	Overall number of actions fully implemented	Consideration of high actions	Consideration of medium actions	Consideration of low actions
Good	> 75 percent	None outstanding	None outstanding	All low actions outstanding are in the process of being implemented
Reasonable	51 – 75 percent	None outstanding	75 percent of medium actions made are in the process of being implemented	75 percent of low actions made are in the process of being implemented
Little	30 – 50 percent	All high actions outstanding are in the process of being implemented	50 percent of medium actions made are in the process of being implemented	50 percent of low actions made are in the process of being implemented
Poor	< 30 percent	Unsatisfactory progress has been made to implement high actions	Unsatisfactory progress has been made to implement medium actions	Unsatisfactory progress has been made to implement low actions

APPENDIX B: SCOPE

Scope of the review

The internal audit assignment has been scoped to provide assurance on how Police, Fire and Crime Commissioner for North Yorkshire manages the following objective:

Objective of the area under review

We will confirm the actions closed on ARM are supported by appropriate evidence to reflect what has been reported to management and the Joint Independent Audit Committee.

When planning the audit, the following areas for consideration and limitations were agreed:

Areas for consideration:

Internal Audit will undertake a review of agreed high and medium priority management actions which have been closed on ARM.

We will review closed actions on ARM from 17 January 2020 to the comment of this review.

Limitations to the scope of the audit assignment:

- The review will only cover audit recommendations previously made, and we will not review the whole control framework of the areas listed above. Therefore, we will not provide assurance on the entire risk and control framework.
- We will only consider closed high and medium priority management actions.
- We will ascertain the status of recommendations through discussion with management and review of the recommendation tracking.
- We will not consider HMICFRS recommendations.
- Where testing is undertaken, our samples will be selected over the period since actions were implemented or controls enhanced.
- Our work does not provide any guarantee or absolute assurance against material errors, loss or fraud.

APPENDIX C: ACTIONS COMPLETED

From the testing conducted during this review we have found the following actions to have been fully implemented and are now closed:

Assignment title	Management actions
Open Investigations and Crimes (2018 / 2019)	Guidance will be developed in conjunction with the Head of Economic Crime relating to the recording of fraud occurrences.
SharePoint Security (2018 / 2019)	Management will establish formal security standards for SharePoint, to provide a best practise benchmark to site owners, both for administration purposes and to assist with annual auditing and ongoing security monitoring.
Integrated Offender Management (2019 / 2020)	Consider risks re. the conflicting priorities of a MAPPA and an IOM workload and develop mitigations and guidance for officers managing both cases.
Subject Access Requests (2018 / 2019)	Resources to undertake subject access requests needs to be reviewed in order to increase the compliance rate. An assessment of resources required as well as where responsibility for subject access requests sit will be undertaken and potential options will be fed into the Transform 2020 project.
Freedom of Information (2018 / 2019)	Roles and responsibilities of the OPFCC and the Civil Disclosure Unit will be clearly defined, agreed and documented to avoid confusion and duplication. A meeting will be held between the OPFCC and CDU to clarify this.
Freedom of Information (2018 / 2019)	Resources to undertake FOI requests will be reviewed in order to increase the compliance rate. A risk-based assessment will be undertaken to determine whether the cost of increased resource outweighs the risk involved. This will be reviewed once a response is received from HR.

FOR FURTHER INFORMATION CONTACT

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