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Council Building
2 High Street
Perth
PH1 5PH

14/09/2022

A hybrid meeting of the **Scrutiny and Performance Committee** will be held in the **Council Chamber** on **Wednesday, 21 September 2022** at **14:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

THOMAS GLEN
Chief Executive

Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.

Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.

Members:

Councillor Colin Stewart (Convener)
Bailie Alasdair Bailey (Vice-Convener)
Councillor Keith Allan
Councillor Steven Carr
Councillor Eric Drysdale
Councillor Angus Forbes
Councillor Michelle Frampton
Councillor Ian Massie
Councillor Willie Robertson
Councillor Caroline Shiers
Councillor Frank Smith

Scrutiny and Performance Committee

Wednesday, 21 September 2022

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF SCRUTINY AND PERFORMANCE COMMITTEE OF 8 JUNE 2022 FOR APPROVAL** **5 - 8**
(copy herewith)
- 4 OUTSTANDING BUSINESS STATEMENT**
(copy to follow)
- 5 UPDATE BY ARM'S LENGTH EXTERNAL ORGANISATIONS**
 - (i) HORSECROSS ARTS LTD**
 - (ii) LIVE ACTIVE LEISURE LTD**
 - (iii) CULTURE P&K**
- 6 FOI PERFORMANCE REPORT 2021-22** **9 - 16**
Report by Head of Legal and Governance Services (copy herewith 22/229)
- 7 DATA PROTECTION COMPLIANCE 2021/22** **17 - 28**
Report by Data Protection Officer (copy herewith 22/230)
- 8 CORPORATE WORKFORCE PLAN 2021-23 PROGRESS REPORT** **29 - 38**
Report by Corporate Human Resources Manager (copy herewith 22/231)

**9 PERTH AND KINROSS COUNCIL ANNUAL PERFORMANCE
REPORT 2021/22**
(copy to follow)

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SCRUTINY AND PERFORMANCE COMMITTEE

Minute of meeting of the Scrutiny and Performance Committee held in the Council Chambers, 2 High Street, Perth, on Monday 8 June 2022 at 10.00am.

Present: Councillor C Stewart, Bailie A Bailey, Councillors K Allan, S Carr, E Drysdale, A Forbes, M Frampton, I Massie, W Robertson, C Shiers and F Smith.

In Attendance: B Renton, Executive Director (Communities); S Devlin, Executive Director (Education and Children's Services); C Mailer, M Butterworth, S Crawford Crofts, C Hendry and A Seggie (all Communities); S Johnston, J Chiles, G Doogan, D Macluskey, H Robertson S Stephen and S Strathearn (all Education and Children's Services); L Simpson, S Mackenzie, A Taylor, P Johnstone, D Williams, A Brown, and M Pasternack (all Corporate and Democratic Services).

Councillor C Stewart, Convener, Presiding.

The Vice-Convener, Bailie A Bailey, led discussion on Items 5 and 7.

1. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of Councillor's Code of Conduct.

3. MINUTE OF MEETING OF THE SCRUTINY COMMITTEE OF 25 APRIL 2022

The minute of meeting of the Scrutiny Committee of 25 April 2022 was submitted and approved as a correct record

4. SCRUTINY AND PERFORMANCE – FUTURE WAYS OF WORKING

Councillor Stewart led an update on Scrutiny and Performance – Future Ways of Working.

Councillor Stewart advised members that an Outstanding Business Statement would be introduced as a standing item at Scrutiny and Performance Committee.

Councillor Stewart also advised that it would be his intention for the Scrutiny and Performance Committee to undertake an increased number of Scrutiny and Performance Reviews. Councillor Stewart further advised that it was intended that a Forward Planner be put in place for items coming before the Scrutiny and Performance Committee.

Councillor Shiers commented that she would like for reports recommended to the Scrutiny and Performance Committee by Service Committees to be dealt with in a timely fashion.

5. UPDATE ON SCRUTINY REVIEWS

Bailie Bailey provided an update on outstanding Scrutiny and Performance Reviews.

Bailie Bailey advised that a detailed update would be presented to the next meeting of the Scrutiny and Performance Committee with regards to a proposed Scrutiny and Performance Review into the dispersal of funds to community groups during the Emergency Powers period.

6. SERVICE ANNUAL PERFORMANCE REPORTS AND BUSINESS MANAGEMENT AND IMPROVEMENT PLANS

THE COMMITTEE AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

(c) COMMUNITIES JOINT BUSINESS MANAGEMENT AND IMPROVEMENT PLAN 2022/23 AND SERVICE ANNUAL PERFORMANCE REPORT 2021/22

There was submitted a report by the Head of Business and Resources (22/119) presenting the Joint Service Business Management and Improvement Plan 2022/23 and Annual Performance Report 2021/22 for Communities. The report details progress against targets and improvement actions over the last year and sets out priority focus areas for the coming year to support delivery of the Council's strategic objectives and outcomes.

In response to a query from Councillor Shiers regarding measurement of footfall in rural towns in Perth and Kinross, B Renton advised that there was ongoing work in this regard, with the Council looking into a system that measured footfall via mobile phone signal.

In response to a question from Councillor Drysdale regarding visa applications and settlement of Ukrainian refugees, C Mailer advised that refugees coming to Perth and Kinross from Ukraine were settling well, and stated the importance of the multi-agency approach in this regard.

In response to a query from Councillor Stewart regarding medical adaptations for Council housing, C Mailer advised that adaptations varied in length of time to complete depending on the nature of the adaptation, and advised that more detailed figures could be brought forward to members at a future date.

In response to a query from Councillor Allan regarding the rollout of superfast broadband, A Seggie advised members that investment for this had come from both the Scottish Government and the Tay Cities Deal, and that the physical work had been completed.

Resolved:

The contents of Report 22/119, be noted.

(b) EDUCATION AND CHILDREN'S SERVICES JOINT BUSINESS MANAGEMENT AND IMPROVEMENT PLAN 2022/23 AND SERVICE ANNUAL PERFORMANCE REPORT 2021/22

There was submitted a report by the Executive Director (Education and Children's Services) (22/118) presenting the Joint Service Business Management and Improvement Plan 2022/23 and Annual Performance Report 2021/22 for Education and Children's Services. The report details progress against targets and improvement actions over the last year and sets out priority focus areas for the coming year to support delivery of the Council's strategic objectives and outcomes.

In response to a query from Councillor Robertson regarding the utilisation of Community Campus' as an educational resource for adults, S Devlin advised that, whilst there were already a number of adult learners across Perth and Kinross, expanding this offer across Perth and Kinross was an area that could be looked at.

In response to a query from Councillor Shiers, S Devlin advised members that work had been undertaken to support digitally disadvantaged families.

Resolved:

The contents of Report 22/118, be noted.

(a) CORPORATE AND DEMOCRATIC SERVICES JOINT BUSINESS MANAGEMENT AND IMPROVEMENT PLAN 2022/23 AND SERVICE ANNUAL PERFORMANCE REPORT 2021/22

There was submitted a report by the Chief Operating Officer (22/117) presenting the Joint Service Business Management and Improvement Plan 2022/23 and Annual Performance Report 2021/22 for Corporate and Democratic Services. The report details progress of Corporate and Democratic Services in supporting the Council's objectives and service delivery. The report also highlights the challenges and priority focus areas for the coming year.

In response to a query from Councillor Forbes regarding availability of staff, Pauline Johnstone advised that whilst there had been, similar to many employers, difficulty in filling some roles, work was being undertaken with services in this regard.

In response to a query from Councillor Stewart regarding targets around invoicing, A Taylor advised that this was an area which was regularly monitored, and internal targets were in place. Further, S MacKenzie added that whilst there was no statutory targets in place in the regard, there were advisory targets in place.

Resolved:

The contents of Report 22/117, be noted.

(d) GENERAL DISCUSSION ON ANNUAL PERFORMANCE REPORTS AND BUSINESS MANAGEMENT AND IMPROVEMENT PLANS

Councillor Stewart led a general discussion on Annual Improvement Reports and Business Management and Improvement Plans.

Councillor Stewart stated that he felt an offline meeting would be useful to consider the format of Business Management and Improvement Plans (BMIPs), including consideration of the most appropriate time of the year for BMIPs to be brought before Committee. Councillor Stewart added that he felt the style of Key Performance Indicator's could be considered, in addition to clarity regarding what should be in a BMIP and what should be in the Annual Performance Report.

Councillor Robertson added that he would like consideration to be given as to why BMIPs are submitted to multiple Committees.

7. ANNUAL GOVERNANCE STATEMENT 2021/22

There was submitted a report (22/120) by the Head of Legal and Governance Services presenting, for scrutiny and review, the Annual Governance Statement for the financial year 2021/22, which provides assurance as to the effectiveness of the Council's governance framework and in particular the system of control.

Resolved:

The contents of Report 22/120, be noted.

8. SCRUTINY AND PERFORMANCE REVIEWS – CALL FOR TOPICS

Councillor Stewart led a discussion on Scrutiny and Performance Reviews – Call For Topics.

In starting the discussion, Councillor Stewart advised that, in addition to suggestions for topics for Scrutiny and Performance Reviews, discussion could be widened to include topics for future reports.

Councillor Shiers requested that additional support needs provision across schools be considered, and also the role of Local Action Partnerships.

Bailie Bailey requested that the status of funding for cycling and walking provision on Dunkeld Road, Perth, be considered.

Councillor Stewart requested that the Council's performance within the national planning performance framework be considered, in addition to the Business Gateway funding model.

PERTH AND KINROSS COUNCIL

Scrutiny and Performance Committee

21 September 2022

FOI PERFORMANCE REPORT 2021-22

Head of Legal and Governance Services
(Report No. 22/229)

1. PURPOSE

- 1.1 This report describes the Council's performance in relation to its obligations under the Freedom of Information (Scotland) Act 2002 (FOISA) and Environmental Information (Scotland) Regulations 2004 (EIR) for the year 2021-22.
- 1.2 The report also provides an overview of some of the Council's other information-related activities.

2. RECOMMENDATIONS	
2.1	<p>It is recommended that the Committee:</p> <ul style="list-style-type: none"> i. Considers the content of this report and provides constructive comment and feedback ii. Notes that performance is improving and back in line with pre-pandemic levels iii. Notes that the number of requests for review remain a very small percentage of requests received indicating good levels of customer satisfaction in terms of the quality of responses and the effectiveness of the process.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4:
 - Section 5: Proposals
 - Section 6: Conclusion
 - Appendices

4. BACKGROUND / MAIN ISSUES

Executive summary

- 4.1 The number of requests in 2021-22 increased by 13% from the preceding year. The period which experienced the biggest increase in numbers was Quarter 1
- 4.2 The Council's target for responding to Freedom of Information (FOI) requests within statutory timescales is 95%. In years prior to the Covid 19 pandemic this target was usually met or exceeded. In 2021-22, 88% of requests were responded to on time. This reduction in performance was attributable to staff changes in the Information Governance team, the challenges of changing work practices due to Covid-19 and the redeployment of Council resources continuing to be directed towards its response to the pandemic.
- 4.3 The number of requests for review equated to approximately 2% of the total number received which would indicate good levels of customer satisfaction in terms of the quality the Council's responses and the effectiveness of our process.

Performance

- 4.4 During 2021-22, the Council received 1365 requests for information under FOISA. This an increase of 13% on the number of requests received during 2020-21.
- 4.5 The largest increase was during Quarter 1, when 45% more requests were received than during the corresponding period in 2020-21. It is noted that there was a reduction in FOI requests received across all sectors during the first period of Covid 19 restrictions.

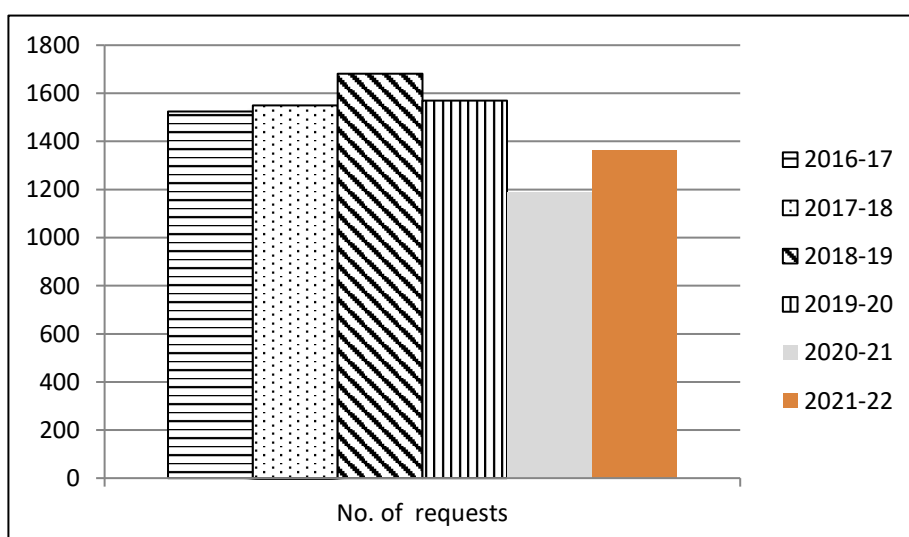


Figure 1 – Number of requests for information under FOISA/EIRs

4.6 Of the 1365 requests received

- 15 were subsequently rejected when no clarification was received from the requestor; and
- 16 were withdrawn by the applicant.

4.7 Of the 1365 requests received, 301 were processed under the EIRs

4.8 Figure 2 below shows the number of FOISA/EIRs requests received in the year, broken down by month.

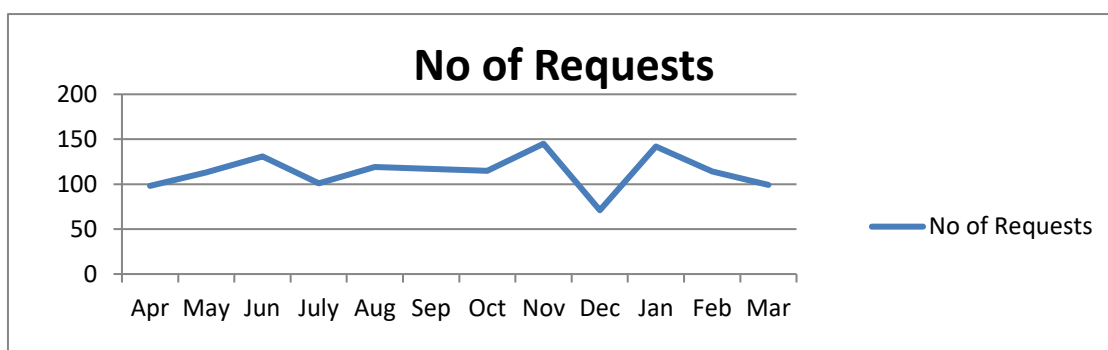


Figure 2 – Number of requests April 2021 to March 2022 by month

4.9 Analysing the requests received based on the type of applicant shows the highest single group making requests are members of the general public. During 2021-22, 1132 (or 83%) of the requests received were from members of the public. This represents an increase of 29% from 2020-21. A breakdown is illustrated at Figure 3 below:

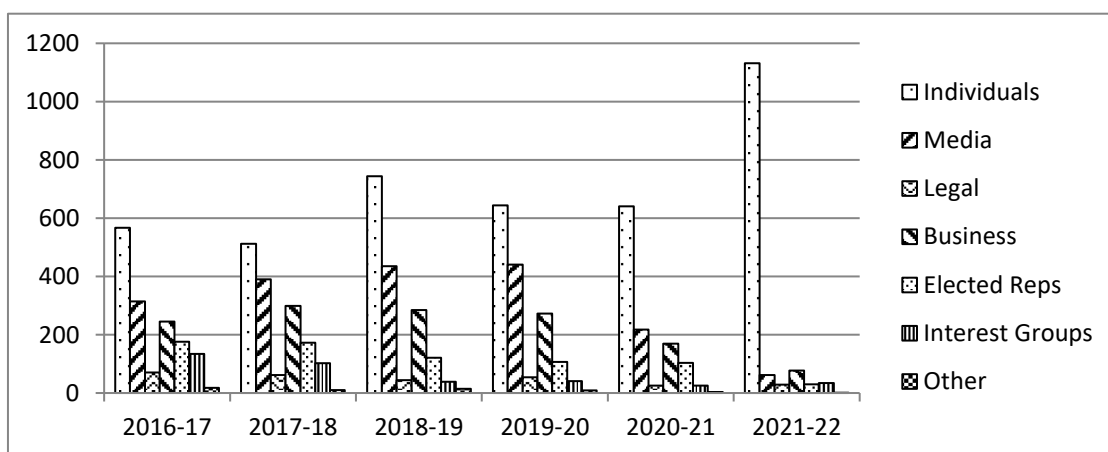


Figure 3 – Summary of type of applicant

4.10 In the course of the year, the Council may receive several requests from the same requestor. During the year 2021-22, requests were made by 1365 requestors. The number of requests is broken down as follows:

- 1206 requestors each made a single request for information

- 7 requestors made more than 10 requests for information, totalling 98 requests. One requestor made 38 requests for information.
- 4.11 There was a 72% reduction in the number of requests received from the media during 2021-22, when compared to 2020-21. There was a smaller, but still significant reduction of 54% in the number of requests received from businesses.

Performance Monitoring

- 4.12 The Council's target for responding to requests within statutory timescales is 95%. During 2021-22, 88% of requests were completed within timescales. Performance was impacted by Services' ability to respond to requests for information, particularly during Quarters 1-3 of 2021-22. Recruitment of staff to the Information Governance team also impacted performance during this period. Given the scale of the Council's response to the pandemic and the changes to working arrangements throughout the organisation, this performance is considered to be creditable and a reflection of the importance the Council has placed on maintaining transparency during the pandemic.
- 4.13 While there was a reduction in performance when compared to the Council's target, there was a 10% improvement on 2020-21. This is continuing to improve in 2022-23.
- 4.14 Of the 1365 valid requests for information received by the Council during 2021-22:-
- 510 (37%) requests were satisfied in full
 - 436 (32%) requests were satisfied in part
 - 419 (31%) requests resulted in no information being issued
- 4.15 Where information was not provided to requestors, 22 requests were refused completely or in part on the grounds of excessive cost.

Reviews and Appeals

- 4.16 The Council received 33 requests to review its decision (complaints about the original response to FOI requests received during 2021-22), which represents 2% of the total requests received. A breakdown of the relevant review data is contained in Figure 4:-

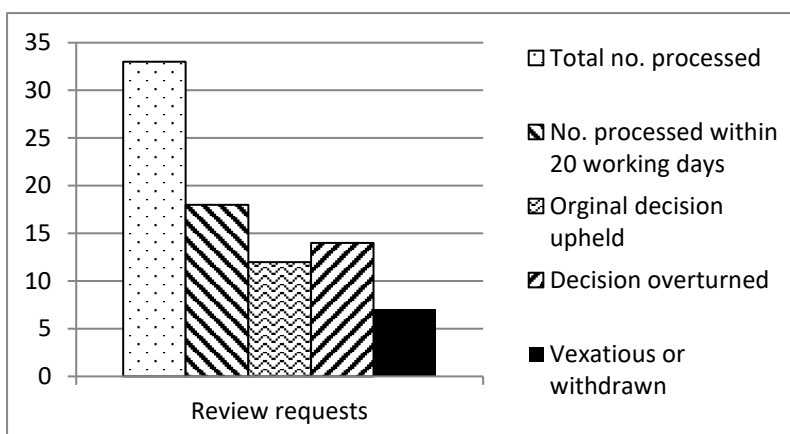


Figure 1 – Summary of request for reviews

- 4.17 15 reviews were responded to outside of the statutory 20 working days deadline (1% of the total number of requests for information received). It is noted that the majority of these reviews were submitted by one requestor in the first Quarter of 2021-22. Given the importance of the subject matter to the requestor and the limited resources in the Information Governance team, the decision was made to deal with these requests for review sequentially to ensure the response to each review was accurate and comprehensive. This affected performance in this area; it should be noted that no responses to reviews have been late during 2022-23 to date.
- 4.18 During 2021-22, the Scottish Information Commissioner did not issue any decisions on appeals following reviews carried out during 2020-21. One appeal to the Scottish Information Commissioner is currently under investigation.

5. CONCLUSION

- 5.1 The number of requests in 2021-22 increased by 13% from the preceding year.
- 5.2 The continued need for the Council to direct resources in response to the Covid-19 pandemic did affect performance in the earlier part of 2021-22 however performance improved in the latter quarters of the period , and continues to do so.
- 5.3 The number of requests for review remain a small percentage of the total number received which would indicate good levels of customer satisfaction in terms of the quality the Council's responses and the effectiveness of our process.
- 5.4 The number of appeals to the Office of the Scottish Information Commissioner remains extremely low. Of those referred, none have resulted in any directions being issued, which again provides assurance to the Committee as to the robustness of the process.

6. APPENDICES

Not applicable.

Author(s)

Name	Designation	Contact Details
Jillian Walker	Data Protection Officer	DPO@pkc.gov.uk

Approved

Name	Designation	Date
Lisa Simpson	Head of Legal & Governance	29 August 2022

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	None
Single Outcome Agreement	None
Strategic Plan	None
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IT)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal	None
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 Not applicable.

Corporate Plan

1.2 Not applicable.

2. Resource Implications

Financial

2.1 Not applicable.

Workforce

2.2 Not applicable.

Asset Management (land, property, IT)

2.3 The Head of Finance and Support Services, Housing and Community Care has been consulted and has indicated agreement with the report.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 Not applicable.

Legal and Governance

- 3.4 Part of the Governance framework.

Risk

- 3.5 Not applicable

4. Consultation

Internal

- 4.1 None

External

- 4.2 None.

5. Communication

- 5.1 None.

2. BACKGROUND PAPERS

None.

3. APPENDICES

None.

PPERTH AND KINROSS COUNCIL

Scrutiny and Performance Committee 21 September 2022

DATA PROTECTION COMPLIANCE 2021-22

Report by Data Protection Officer (Report No. 22/230)

1. PURPOSE

This report is the professional assessment of the Council's compliance with the UK General Data Protection Regulation (GDPR) by the Data Protection Officer (as is required to be provided by her in accordance with the legislation). This report relates to the year 2021-22.

2. RECOMMENDATIONS

2.1	<p>It is recommended that the Committee:</p> <ul style="list-style-type: none"> (i) Notes the DPO's assessment of the Council's compliance with the requirements of data protection legislation. (ii) Considers the Council's performance in terms of compliance with GDPR and provides constructive scrutiny and comment. (iii) Notes that the DPO is confident that a reasonable degree of compliance with data protection legislation has been achieved during 2021-22 and that progress towards increased compliance across all Services will continue during 2022-23
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3. STRUCTURE OF REPORT

3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Data Breaches
- Section 6: Data Subject requests
- Section 7: Policy and Process
- Section 8: Training
- Section 9: Improvement Action
- Section 10: Conclusion

4. BACKGROUND

4.1 The UK General Data Protection Regulation ("GDPR") requires the Council, as a public authority, to appoint a Data Protection Officer ("DPO") and defines tasks that the person must undertake. These tasks include monitoring and reporting on compliance with the GDPR. The Council's Data Protection Policy sets out that the DPO will present a report on the Council's data protection compliance to the Scrutiny Committee annually or more frequently, if considered necessary. It is the role of the Scrutiny Committee to consider the DPO's report in relation to the Council's compliance and to provide appropriate constructive challenge and comment.

Role of DPO

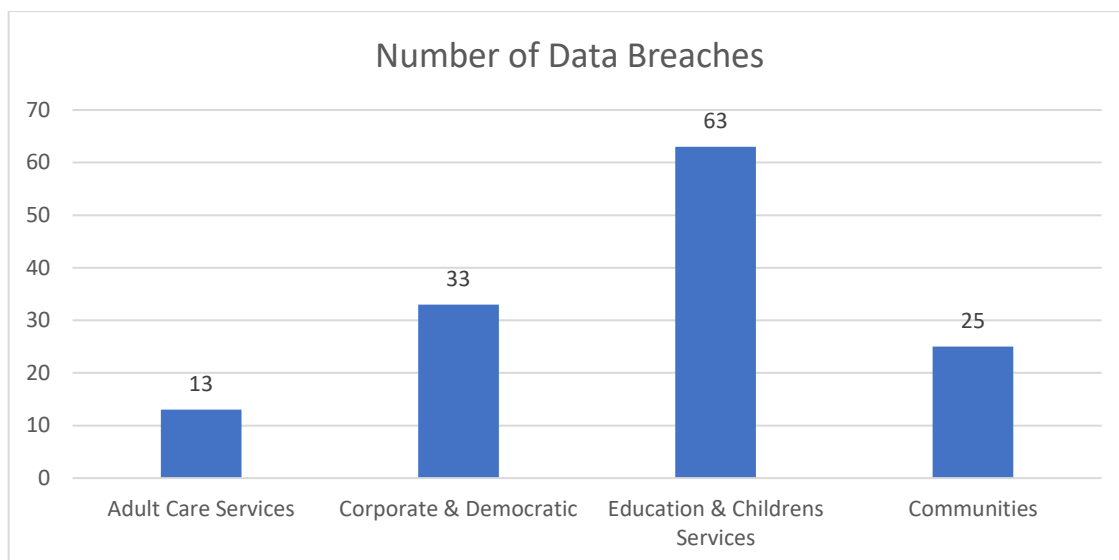
- 4.2 The role of the DPO is defined in the GDPR; the legislation places particular restrictions on both the DPO and the Council in terms of roles and responsibilities. The DPO, like the other Statutory Officers within the Council, has an independent and autonomous role and the Council cannot instruct the DPO how to undertake the role. It should be noted that legal responsibility for compliance with data protection law lies with the Council as a public body and not the Data Protection Officer as an individual. The DPO does have a role in providing advice and guidance to support the Council in complying with the legislation and to monitor and report on its performance. Committee can be assured that all formal advice provided by the DPO, to date, to support the organisation and ensure compliance, has been accepted.
- 4.3 During 2021-22 the previous DPO retired resulting in the need for structural change within the wider Legal and Governance Service. The DPO and the Information Governance Team have now transitioned smoothly into the new Audit and Governance Team, with the DPO maintaining a separate and distinct reporting line to the Head of Service in her capacity as Senior Information Risk Officer.

Resources of DPO

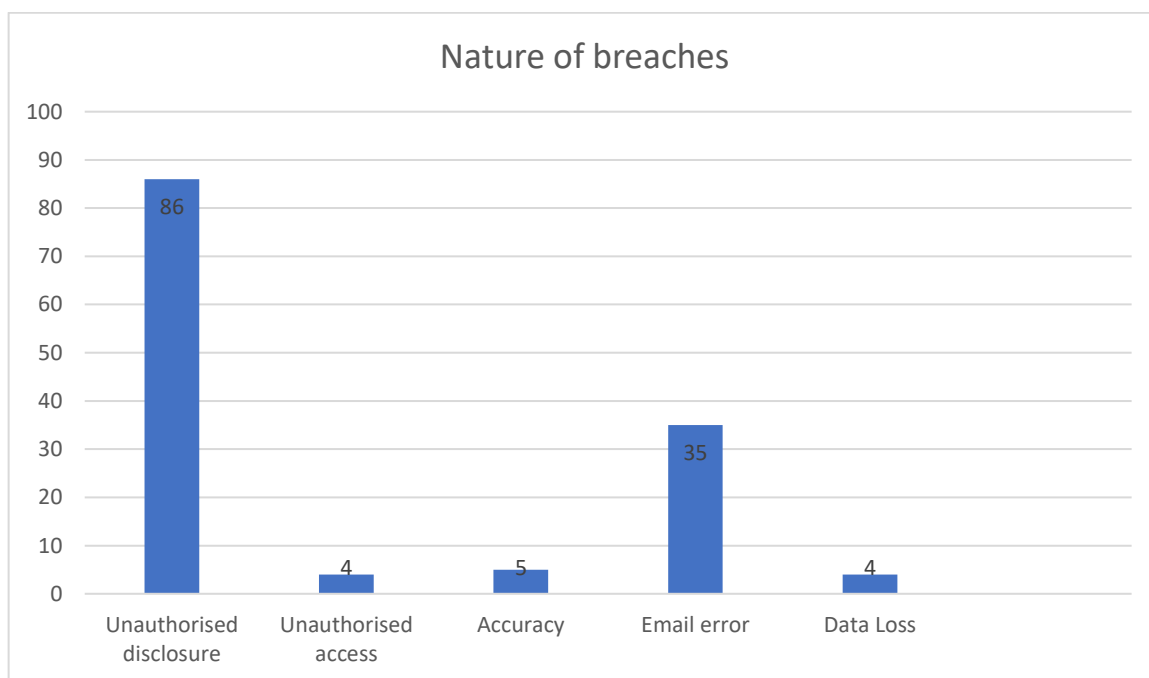
- 4.4 The legislation also provides that adequate resources should be made available to the DPO to enable them to fulfil their role. The Data Protection Officer function does not have a dedicated team but is supported by the Information Governance and Information Security teams (referred to as the DPO's team for the purposes of this report). In terms of skills and expertise, as well as the DPO, there are 2 officers (1.7 FTE) within the Information Governance team who have specialised data protection knowledge. It is recognised by the DPO that there is an increasing need to direct more resources towards supporting the organisation to ensure compliance through support and training; however, at present almost all staff time is required to deal with responsive work, which is increasing in complexity and volume.

5. PERFORMANCE : DATA BREACHES

- 5.1 A data breach is defined as an incident involving "a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data". The term 'security' refers to both technical measures and organisational measures such as policy, procedure and practice.
- 5.2 The Council is required to maintain a register of data breaches and, where appropriate, report them to the Information Commissioner's office.
- 5.3 Between 1 April 2021 and 31 March 2022, the Council recorded a total of 134 data breaches (compared to 146 during the previous year). Any data breach is a matter which the DPO takes seriously, but in terms of numbers, this figure needs to be considered in the context of the many millions of interactions and transactions involving the processing of personal information entailed in the delivery of all Council services in the course of a year. The split of data breaches by Service is illustrated below: -



5.4 The nature of the data breaches was as follows: -



5.5 In relation to the data breaches which have been recorded, the DPO would confirm that;-

- almost all recorded breaches were reported promptly to the DPO and any remedial action which was requested was taken quickly
- where breaches have been identified, the relevant service area has been keen to engage with the DPO to amend and improve practice
- of the recorded breaches, particularly those categorised as email error or unauthorised disclosure breaches, almost all appear to be attributable to human error as a consequence of resource pressures within the relevant service areas as opposed to any systemic failure of process or policy.

- of the 134 breaches, the DPO determined that 9 required to be reported to the Commissioner's Office (ICO) following an risk-based assessment of potential impact on the data subject based on the nature/circumstances of the information disclosed.

5.6 Of the 9 breached reported to the the ICO;-

- Four of these breaches were due to the unauthorised access of personal information, three to unauthorised disclosure of data, one to the accuracy of information recorded and one to the loss data.
- In relation to 5 of the 9 reported breaches, the ICO was satisfied that the actions taken by the Council in response to the breaches were appropriate and did not require any further action.
- The DPO can confirm that the actions which the ICO required the Council to take in relation to the other 4 breaches, have been completed.

5.7 The DPO provides support, advice to services and teams when a data breach has occurred and where necessary, provide additional staff training and written guidance.

5.8 The DPO considers that generally, there is a good understanding across the Council in relation to data breaches caused by email errors and the unauthorised disclosure of personal information; however, other types of data breach may be less well understood. Breaches will continue to be monitored and advice and training provided as appropriate.

6. PERFORMANCE : DATA SUBJECT REQUESTS

6.1 The GDPR gives data subjects a number of specific rights, such as accessing and receiving a copy of information held about them, and having inaccurate personal data rectified. Requests to exercise these rights must be responded to within 1 month (interpreted by the Council as 28 calendar days), unless the information requested is particularly complex in nature or the request is from an individual who has made multiple requests; in these cases, an additional two months to respond is permitted by the legislation. The DPO has responsibility for dealing with requests received by the Council.

6.2 There was a 19% increase in the number of subject access requests received during 2021-22, compared to 2020-21. This increase is attributable to individuals seeking confirmation of their care experience, in order to apply to Scotland's Redress Scheme for survivors of historical child abuse in care. Many of the records processed in relation to this scheme contain a very large volume of information, some of which will contain sensitive personal information relating to other individuals which may require to be redacted. Given the nature of the information being accessed, requesters often require support and assistance from the DPO's team when accessing their files.

- 6.3 Additional resources were made available to the DPO during the second half of 2021-22, which enabled two additional officers to be employed to assist with processing subject access requests relating to the Redress Scheme.
- 6.4 Between 1 April 2021 and 31 March 2022, the Council received 166 requests for access to personal information, of which:
- 140 have been completed
 - 26 are on hold awaiting further information from the requester (normally proof of identity and often never provided)
 - 0 are still in progress
- 6.5 Of the 140 requests that were processed:
- 55 were completed within the 28-day timescale (39%).
 - 85 were responded to outwith the 28-day timescale (61%).
- 6.6 A significant proportion of those requests processed outwith the 28-day timescale were considered to be complex requests, where the legislation permits an extension period of up to two months. The Council's ongoing response to the Covid-19 pandemic was also a factor in some cases as staff were deployed to other tasks to deliver essential services, which caused delays in accessing and collating the necessary information
- 6.7 Performance improved throughout the period 2021-22 helped by the additional resource recruited to assist in requests related to the redress scheme. Performance in the last quarter of the period saw 88% of subject access requests responded to within 28 days.
- 6.8 There was a 19% increase in the number of subject access requests received during 2021-22, compared to 2020-21. This increase is attributable to individuals seeking confirmation of their care experience, in order to apply to Scotland's Redress Scheme for survivors of historical child abuse in care. Many of the records processed in relation to this scheme contain a very large volume of information, some of which will contain sensitive personal information relating to other individuals which may require to be redacted. Given the nature of the information being accessed, requesters often require support and assistance from the DPO's team when accessing their files.
- 6.9 Additional resources were made available to the DPO during the second half of 2021-22, which enabled two additional officers to be employed to assist with processing subject access requests relating to the Redress Scheme.
- 6.10 Over and above the 140 data subject access requests referred to above, the Council received 12 other data subject requests during 2021-22:-
- 4 requests for erasure (individuals have the right to request their personal data is deleted)
 - 4 requests for rectification (individuals can request that inaccurate personal data is corrected)

- 4 requests regarding processing (individuals can request that the processing of their information is restricted).
- 6.11 In addition, the he Council also received 35 information related complaints, either directly from the data subjects or via the ICO, about the way personal data had been handled. All of these complaints have been dealt with.
- 6.12 The DPO is satisfied that data subject requests are being handled appropriately within the resources available.

7. TRAINING

- 7.1 Throughout the year the importance of data protection has been signposted to all staff through use of the Council's intranet and Managers' briefings as well as reminders about data protection issues in staff communications, at the DPO's request.
- 7.2 The DPO team has also delivered multiple targeted training sessions to individual teams and groups of staff, on request throughout the year. Online data protection training is available to all Council staff, the content of which is presently being reviewed and refreshed.
- 7.3 Data Protection training has also been provided to elected members as part of their Induction programme and refresher training and updates will be provided as part of their wider training and development programme.
- 7.4 The DPO considers there to be a reasonable level of general awareness across the Council and notes that staff appear to be willing to seek advice and support from DPO appropriately.

8. DATA PROTECTION POLICY AND PROCESS

- 8.1 The DPO is satisfied that the Council has a Data Protection Policy which complies with the separate requirements of the UK GDPR and the Data Protection Act 2018. It should be noted that the UK GDPR is the implementation in UK law of the original EU GDPR following exit from the European Union; it came into force on 1 January 2021 and is, in all relevant aspects, identical to the original EU regulation.
- 8.2 It is a statutory requirement that the Council be able to provide evidence of its compliance with the legislation at all times. Compliance is therefore documented and evidenced by the Council's use of: -
- Data Protection Impact Assessments (DPIAs)
 - Detail of Processing Arrangements
 - Privacy Notices
 - Data Sharing Agreements (DSAs)

- 8.3 It is the responsibility of the Council to create/ produce DPIAs, detail of Processing Arrangements and Privacy Notices. The role of the DPO is to assist and advise in their creation and to maintain registers of the documentation.
- 8.4 Recognising that the DPIA process can be labour intensive but acknowledging the need to ensure compliance with DP legislation and the benefit in involving the DPO in projects, programmes and procurement activity, a shortened online version of a DPIA (the DPIA Checklist) was developed. The purpose of this is to enable the DPO and services to make a risk based assessment in terms of which projects/programmes/procurement activities require the more thorough and in-depth full DPIA to be carried out. This has ensured that resources are directed appropriately and effectively, ensuring that the higher risk projects etc. are prioritised and ultimately speeding up the approval process.
- 8.5 The DPO is satisfied that there is some form of privacy notice in place in relation to all processing of personal information carried out by the Council. Processing may be covered by the General Privacy Notice which appears on the Council website or by more specific short or detailed privacy notices. The DPO continues to monitor, review and provide advice to services as required. Privacy notices are required where we collect personal data. The Council has a general privacy notice in place and short privacy notices are in place, generally as required. Work is ongoing with Services to ensure that the corresponding detailed privacy notices, are also in place.
- 8.6 Where personal information requires to be shared with other parties (eg Police, Health etc) best practice requires that Data Sharing Agreements should be put in place. These are specialised documents which tend to be lengthy and time-consuming pieces of work, often needing extensive consultation with the other organisations involved. The DPO is satisfied that Data Sharing Agreements are in place where required and that the Council is adopting best practice wherever possible.
- 8.7 The UK government has announced its intention to make changes to data protection legislation. The draft Data Protection and Digital Information Bill amends rather than repeals existing legislation and this is being now being considered as part of the wider legislative process. The extent of the proposed changes are not as significant as first anticipated however there will be the need to review our policies and processes in due course once the new legislation comes into force.

9. IMPROVEMENT ACTIONS

- 9.1 The Information Governance team is developing relationships with other local authorities to ensure people requiring evidence to apply to the Redress scheme receive as comprehensive a response as possible.
- 9.2 The online data protection training for all staff is being reviewed and refreshed and will be available during 2022-23.

- 9.3 The DPO is exploring the possibility of a new case management system to process and report of requests for information made under both data Protection and Freedom of Information legislation to automate processes and further enhance performance across both areas.

10. CONCLUSION

- 10.1 Given the breadth of local government activity and the millions of transactions involving personal data that are processed each year, no Council can state categorically that it is fully compliant with data protection legislation. It is the opinion of the DPO, however, that the Council is currently achieving a reasonable and acceptable level of compliance which is continuing to improve.
- 10.2 The DPO is satisfied that the principles of GDPR compliance are understood and embedded as normal practice across the Council. Where procedural failings have occurred regarding data protection, these can almost always be attributed to human error as opposed to a systemic failure in terms of policy or process.
- 10.3 As a result of the ongoing impact of the global pandemic during 2021-22, the Council has continued to operate under different and challenging circumstances, with many staff still working from home. During that time new arrangements for communicating with citizens and providing services continued to be developed, many of which have required the attention and support of the DPO team. Work is ongoing to support the Council as it moves towards a longer term model of hybrid working.
- 10.4 Whilst the Council would wish to avoid any data breach, given the volume and range of personal information which it processes, the number of reported breaches remains very low, with only a small percentage of these meeting the threshold requiring them to be reported to the Information Commissioner's Office.

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Name	Designation	Date
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APPENDICES

Not applicable.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	n/a
Corporate Plan	n/a
Resource Implications	n/a
Financial	n/a
Workforce	n/a
Asset Management (land, property, IST)	n/a
Assessments	n/a
Equality Impact Assessment	n/a
Strategic Environmental Assessment	n/a
Sustainability (community, economic, environmental)	n/a
Legal and Governance	n/a
Risk	n/a
Consultation	n/a
Internal	n/a
External	n/a
Communication	n/a
Communications Plan	n/a

1. Strategic Implications

Not applicable.

2. Resource Implications

Not applicable.

3. Assessments

- Equality Impact Assessment – not applicable
- Strategic Environmental Assessment – not applicable
- Sustainability – not applicable
- Legal and Governance – not applicable
- Risk – not applicable

4. Consultation

Not applicable.

5. Communication

Not applicable.

2. BACKGROUND PAPERS

None.

3. APPENDICES

None.

PERTH AND KINROSS COUNCIL

Scrutiny & Performance Committee

21 September 2022

CORPORATE WORKFORCE PLAN 2021-23 PROGRESS REPORT

Report by Corporate Human Resources Manager
(Report No. 22/231)

1. PURPOSE

This report provides an update on the progress of the implementation of the Council's Corporate Workforce Plan 2021-23.

2. RECOMMENDATIONS

2.1 It is recommended that the Committee:

- (i) notes the progress made in implementing the Corporate Workforce Plan 2021-23.
- (ii) notes the requirement to review and agree a new Corporate Workforce Plan in 2023 which will support the ongoing resourcing requirements and those arising from the Transformation and Change Programme and Corporate Plan.

3. STRUCTURE OF THE REPORT

3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Current Position/Update
- Conclusion

4. BACKGROUND

The [Corporate Workforce Plan 2021-2023](#) was approved at the Strategic Policy & Resources Committee on 2 June 2021.

The plan sets out the Council's vision to ensure that we have a workforce that supports the delivery of our ambitions for the future. It is set around three key themes – Building in Agility, Evolving Our Talent and Refreshing Our Employment Offer.

The pandemic caused unprecedented upheaval but our people rose to the challenges it posed, showing their commitment, skills, agility and the local government workforce at its best, working with our communities and alongside our partners to assist our citizens and local businesses.

A commitment was given to provide an annual progress report to the Scrutiny Committee.

5. CURRENT POSITION/UPDATE

All of the actions in the Corporate Workforce Plan are important, however, in a rapidly changing landscape, priority is being given to those which we believe will have the greatest impact. Significant factors that currently and will continue to influence the corporate workforce plan include:

- A dramatically changed labour market since the onset of the pandemic in early 2020. Pre-existing skill shortages have been exacerbated by a combination of both Covid and EU Exit, resulting in an increase in demand for some roles. This is particularly notable in those occupations where there is a lack of understanding of the nature of the roles often created by media reporting both before and during the pandemic. More effective and attractive recruitment adverts are being developed and promoted through social media platforms. These are highlighting the opportunities for personal reward and social contribution e.g. in social care roles as well as selling the valued terms and conditions of working in local government such as flexible working and pension schemes.
- A tightening labour market has resulted in greater competition between public to public and public to private sectors beyond those occupations traditionally impacted such as social care. There are recruitment and retention difficulties in each Council Service related to a lack of supply generally across the labour market in Scotland. The impact is being seen across a range of technical and professional roles e.g. planning enforcement, certain subject teaching roles e.g. Home Economics, HGV mechanics, audit, property and engineering. Factors other than pay levels are contributing e.g. the availability of hybrid working has made roles outwith a traditional daily commute radius more attractive to candidates who may previously have been limited in their geographical search as a result of commuting costs, family commitments etc.,
- A shift in personal priorities arising from the pandemic, with some employees choosing to retire or optimising the benefits of flexibility through hybrid working to explore job opportunities further afield.
- The need to continue to support the health and wellbeing of our current workforce with some teams experiencing additional pressure because of unfilled vacancies as well as increased workloads.
- A challenging local housing market with a lack of rental properties and properties for sale moving very quickly and usually for over market value, is a further challenge in attracting suitable candidates for vacancies which require on-site attendance or who are looking to move to Perth and Kinross as part of a lifestyle change.

Our Corporate Workforce Plan needs to be sufficiently agile to respond to internal Council change too, including:

- Ensuring enablers are in place to support the new ways of working associated with the developments arising from the Transformation and Change programme
- The evolving [Perth and Kinross Offer](#) and how this is weaved throughout our people policies and resources to support attracting and retaining people with the right skills, knowledge and experience.
- Implementation of the Corporate Plan 2022-27

The Corporate Workforce Plan is structured around three areas of work – Building In Agility, Evolving Our Talent, Refreshing Our Employment Offer. A progress update for these key priorities is provided in Appendix 1. In order to address the changing recruitment environment and the challenge of increased competition for potential applicants, there has been a focus on progressing actions which will refresh our employment offer to ensure that we :

- Promote the benefits of living and working in Perth and Kinross
- Explain to candidates the objectives of Perth and Kinross Council and the opportunity that employees have to contribute to that
- Describe the individual career opportunities that exist in a positive and accessible manner
- Support candidates through the application journey in a way that encourages their participation and creates a positive perception of the value that Perth and Kinross Council places on its employees

3. CONCLUSION

Workforce planning is a vital part of ensuring the correct mix of people and skills is available to match the service delivery requirements of the Council.

Continuing to adopt an effective and consistent approach to workforce and succession planning will enable us to provide versatile people solutions to support the future strategic direction of the organisation.

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Approved

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Pauline Johnstone	Corporate Human Resources Manager	19 August 2022

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Corporate Workforce Plan 2021 - 23 Progress Update – 14 September 2022

Building in Agility

Plan Activity	Achievements and Next Steps
Embed job families to promote greater mobility and flexibility in our workforce	<p>We have :</p> <ul style="list-style-type: none"> Gathered the experience of other organisations and feedback from managers and used this to improve our understanding barriers to fully utilising job families, enabling smarter use of our resources and how this can support transformation and the change programme <p>We will now :</p> <ul style="list-style-type: none"> Complete the work required to allow Job Families to be incorporated in to existing and developing policies and processes e.g. the internal jobs market Promote awareness of the capabilities of job families allowing greater flexibility in our workforce Build in the requirement to create capacity to support workforce change activity in the use of Job Family profiles
Review our Flexible and Home Working policies and guidance to ensure they are fit for purpose in the changing organisational landscape	<p>We have :</p> <ul style="list-style-type: none"> A continued approach to hybrid working where appropriate to the role Increased engagement with employees which has meant that they have had the opportunity to inform hybrid working and flexible working practice going forward. Developed updated guidance on the use of hybrid working <p>We will now :</p> <ul style="list-style-type: none"> Develop our Flexible Working Framework using the feedback received

Evolving Our Talent

Plan Activity	Achievements and Next Steps
Develop a fit for purpose, equitable internal jobs market to support the development and retention of our talent	<p>We have :</p> <ul style="list-style-type: none"> Improved understanding of options as a result of <ul style="list-style-type: none"> Sounding boards held to shape internal recruitment Undertaking benchmarking with other local authorities <p>We will now :</p>

	<ul style="list-style-type: none"> • Continue to explore options available, enabling the prioritisation of resources where they are most needed • Develop a streamlined process that is effective, efficient, and fair, whilst making best use of technology • Develop a resourcing strategy to address current and future demands which includes a focus on the development of internal talent
Explore opportunities to develop and retain our young workforce	<p>We have :</p> <ul style="list-style-type: none"> • Undertaken a rebranding and increased focus on social media to make our apprenticeship offering more attractive • Added the new occupational area of Caretaking to our MA offer • Developed an updated Service Level Agreement to ensure support for young people undertaking the Social Care MA programme • Been working on the development of a social care pathway for modern apprentices to support recruitment challenges. • Participated in national pilot of apprenticeship in Building Services to support succession planning and occupational shortage • Reviewed the Job Academy to support retention of modern apprentices within the organisation <p>We will now :</p> <ul style="list-style-type: none"> • Complete the ongoing review of the recruitment process to maximise reach and support candidates in the application process
Identify the core skills and behaviours to implement the Senior Leadership Job Family	<p>We have :</p> <ul style="list-style-type: none"> • Reviewed recent job adverts/role profiles and the existing Job Family structure/content to assess its suitability for use with senior leadership positions • Identified the ways in which the Job Family documents can be utilised within the organisation (development, recruitment etc) • Included the Senior Leadership Job Family in the plan of activity required to maximise the benefits <p>We will now :</p> <ul style="list-style-type: none"> • Undertake work to develop the key skills and behaviours required of the Senior Leadership Job Family • Develop a resourcing strategy which includes an assessment of the contribution of a succession planning model in developing the key skills and behaviours of the

	Senior Leadership Job Family and how this will address resourcing demands at a senior level
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Refreshing Our Employment Offer

Plan Activity	Achievements and Next Steps
Agile, efficient and modern recruitment experience that supports managers to attract, recruit and retain the right talent	<p>We have :</p> <ul style="list-style-type: none"> • Worked on the ongoing development of managers resourcing toolkit to support recruitment in challenging labour market and economic climate • Use of engaging materials to support hard to fill vacancies, including promotion on relevant social media platforms, additional vacancy information promoting working and living in Perth and Kinross, use of short videos etc – provide examples. • Improved content on the MyJobScotland recruitment platform including the use of British Sign Language videos promoting an inclusive and relevant image of the organisation and the area • Increased the profile of recruitment activity in Perth and Kinross Council through the use of social media and enhanced recruitment advertising tools such as videos to promote individual vacancies • Offered managers the opportunity to develop a tailored approach to their recruitment promotion activity with the support of the Communications and HR teams <p>We will now :</p> <ul style="list-style-type: none"> • Explore the further use of technology to improve candidate and manager experience • Use the intelligence gathered from updated recruitment process feedback mechanisms to further inform improvements to our recruitment and selection • Continue to refresh our webpages with dedicated areas for candidates, employees and managers • Develop a strategy which includes a suite of approaches for managers to access to directly address their resourcing requirements – both retention and recruitment
Values and behaviours developed as part of the PK Offer are weaved throughout recruitment and selection practices as well as employment policies and procedures	<p>We have :</p> <ul style="list-style-type: none"> • Following approval of the Values and Behaviours Framework we have produced a draft version of manager guidance on the incorporate of Values and Behaviours into recruitment activity and is currently being finalised

	<p>We will now :</p> <ul style="list-style-type: none"> • Launch the manager guidance and revised recruitment practice incorporating Values and Behaviours • Weave values and behaviours through our corporate induction • Continue to review and develop the resources and selection methods to support managers to assess candidate values and behaviours • Continue to develop resources to support candidates engage in our values and behaviours approach to selection
Continue to evolve our corporate induction offer	<p>We have :</p> <ul style="list-style-type: none"> • Developed an E-postcard which is included in confirmation of appointment, welcoming new employees to the organisation. • Refreshed Corporate Induction pages on PKC website with dedicated areas for employees and managers <p>We will now :</p> <ul style="list-style-type: none"> • Design virtual networking opportunities to help make connections with fellow new employees
Promote our employer brand and reputation as an employer of choice	<p>We have :</p> <ul style="list-style-type: none"> • Established a working group which has explored how to: <ul style="list-style-type: none"> - Effectively enhance our social media presence - Promote working at PKC and the benefits on a range of platforms through authentic story telling with employees being ambassadors for the organisation - Increase diversity within the organisation - Increase curiosity about PKC as an employer, the diverse range of occupations - Weave our values and behaviours through relevant communications <p>We will now :</p> <ul style="list-style-type: none"> • Implement the action plan developed by the working group to maximise/address the identified areas of opportunity
Collaborate internally with partners to prioritise and progress improvements to our HR systems and processes	<p>We have :</p> <ul style="list-style-type: none"> • Progressed the Establishment Approval Process (EAP) Phase 2 and 3 by making better use of technology and creating efficiencies for managers and HR, greater transparency and promoting an authorising environment

	<ul style="list-style-type: none"> Continued to progress with the transfer of Teachers Supply Timesheets to MyView, allowing supply staff to input their hours electronically. This can be authorised electronically and will result in less input for Payroll Team. Anticipated implementation for the start of the new school year. <p>We will now :</p> <ul style="list-style-type: none"> Complete the software testing planned required ahead of implementation of EAP Phase 2 being implemented. Transfer of our employee data to HMC Cloud enabling future developments Implement the planned transfer of Councillor expenses to be submitted via MyView.
Proactively address equality and discrimination in employment	<p>We have :</p> <ul style="list-style-type: none"> Developed and launched updated versions of the Fair Selection and the Unconscious Bias e-learning modules Issued a diversity survey to all employees focusing on health and wellbeing, disability and race <p>We will now :</p> <ul style="list-style-type: none"> Continue to promote the updated e-learning modules to all employees Use the results of the diversity survey to plan future policy and practice in all areas of employment

