



Audit Committee
15 December 2021

Title	Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance – update 2021
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 - Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance
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Summary

The Investigatory Powers Commissioners Office (IPCO) provides independent oversight and authorisation of the use of investigatory powers by intelligence agencies, police forces and other public authorities. The IPCO's purpose is to oversee how these powers are used, taking account of the public interest, and ensuring that investigations are conducted in accordance with the law.

The London Borough of Barnet was previously inspected by IPCO on the 19 December 2018. Prior to this, the Council was inspected by the Office of Surveillance Commissioners (OSC) in May 2015.

The previous (OSC 2015) inspection made no recommendations.

The 2018 inspection drew three conclusions (below), one of which necessitated further action and included one recommendation:

- Barnet Council makes very infrequent use of the powers vested under the Regulation of Investigatory Powers Act 2000. Notwithstanding this, there remains a need for appropriate guidance and training for staff. The current policy and guidance regime is lacking and needs remedial action, supported by refresher training.
- Paradoxically, the Council has a very good and robust oversight and quality assurance regime with a Senior Responsible Officer (SRO), Monitoring Officer and Gatekeeper who are experienced, available for advice and actively engaged in enforcement.
- The one recommendation that I make concerns one of the fundamental requirements of a public authority wishing to ensure it is RIPA compliant: namely, appropriate guidance and training for staff. As I have said above, there are already good people in place to ensure compliance with any policy.

To address these actions, we have can now confirm that:

- In March 2020 RIPA refresher training was delivered to investigating officers from relevant enforcement departments
- In November 2021 refresher RIPA training was delivered to our Senior Responsible Officer, Authorising Officer's and our RIPA Legal Gatekeeper
- In November 2021, following the most recent training our RIPA Policy Document and Guidance has been completely redrafted and now also includes Internet and Social Media Investigations. Subject to approval at Audit Committee we recommend adoption from 1 January 2022.

In November 2021 Barnet was subject to a further (virtual desktop) inspection by IPCO. The inspection confirmed compliance that removed the need for physical inspection.

The inspector reviewed the single directed surveillance authorisation granted since the last inspection and concluded that the overall standard of the application and authorisation was good and that they were compliant with the legislation and code of practice. The Inspector made a number of observations which were explained in detail to the SRO and authorising officer.

Going forward we propose:

- Further training for investigating officers aligned to our new Policy and Guidance
- Clearer signposting and access to Policy and Guidance documents for staff
- Continue with statistical updates within the CAFT reports to Audit Committee
- Devise an action plan aligned to feedback received during the recent IPCO inspection
- Request delegated authority to be given to the Executive Director of Assurance to make further amendments to the RIPA Policy and Guidance in the future

Officers Recommendations

1. That the Committee approves the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance 2021

2. That the Committee delegates authority to the Executive Director of Assurance to make further amendments to the RIPA Policy Statement following consultation with the Chairman of the Audit Committee

1. WHY THIS REPORT IS NEEDED

- 1.1 The Audit Committee's role in receiving this report is to approve the updated RIPA Policy and Guidance documents as part of the Counter-Fraud Framework.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The RIPA Policy and Guidance has been reviewed as part of the Counter-Fraud Framework.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Following implementation of this decision we are proposing the following:
- Further training for investigating officers aligned to our new Policy and Guidance
 - Clearer signposting and access to Policy and Guidance documents for staff
 - Continue with statistical updates within the CAFT reports to Audit Committee
 - Devise an action plan aligned to feedback received during the recent IPCO inspection

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

This policy supports the delivery of the entire Barnet Plan, and in particular Clean Safe and Well-Run objective – which set out the corporate approach on how delivering better services while ensuring value for money for all our residents and businesses to approach to provide a fair deal for our residents and a commitment to delivering services that matter most by making decisions to prioritise our limited resources.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report

5.3 Social Value

- 5.3.1 N/A

5.4 Legal and Constitutional References

- 5.4.1 Regulation of Investigatory Powers Act 2000

- 5.4.2 Article 7 of the Council's Constitution details the functions of the Audit Committee this

include matters reserved to the monitoring the effective development and operation of the Council's Corporate Anti-Fraud Team (CAFT).

5.4 Risk Management

5.4.1 The Policy revisions supports the council's overall risk management strategy and processes. Where appropriate, outcomes from any investigations are reported to both Audit Committee and relevant services in either highlighting or confirming effective internal controls, compliance and/or suggested areas for improvement.

5.5 Equalities and Diversity

5.5.1 Effective systems of internal control, compliance and corporate governance provide assurance on the effective allocation of resources and quality of service provision for the benefit of the entire community.

5.7 Corporate Parenting

5.7.1 None in the context of this report.

5.8 Consultation and Engagement

5.8.1 N/A

5.9 Insight

5.9.1 N/A

6. Environmental Impact

6..1 None in the context of this report.

7. BACKGROUND PAPERS

7.1

<https://barnet.moderngov.co.uk/documents/s31468/Counter%20Fraud%20Framwork%20Review.pdf>

7.2 The Whistleblowing Policy was last reviewed by Audit Committee in 2016.

7.3 It was further updated under delegated authority to the Executive Director of Assurance in 2018