

## IPCO INSPECTION OCTOBER 2019

## RECOMMENDATIONS AND ACTION PLAN

FINDING/RECOMMENDATION	ACTION	ACTION OWNER	DUE DATE
The revised Code of Practice for Covert Surveillance and Property Interference 2018, paragraphs 3.10 to 3.17 contains useful advice and examples of online covert activity which may be helpful to staff and could be included within the current Council policy document.	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf</a>  This information will be incorporated into the Council's RIPA Policy and the Online Investigations Policy. This will also be covered in the forthcoming training.	Amendment to RIPA Policy – Compliance and Customer Relations Manager  Amendment to Online Investigations Policy – Principal Auditor  Training – Trading Standards and Community Protection Manager	End February 2020  End February 2020.  End March 2020
The Inspector has acknowledged the RIPA refresher training delivered in 2018 and 2019 through the use of both internal and external providers and following various processes. He has suggested, in addition, that it would be useful to consider 'real life' RIPA scenarios, possibly by way of a 'table top' exercise, in order to assess not only staff knowledge, but also operational suitability and capability to manage and deal with matters should the Act be engaged with.	'Real life' RIPA scenarios are already included in training.  The Council's Authorising Officers are currently chief officers as listed in the Constitution. It is proposed to review whether Authorising Officers should sit at Director and Head of Service level, which is more appropriate, and common practice in other authorities, given the low volume of applications.. Training would be provided to any new Authorising Officers ,who should	Trading Standards and Community Protection Manager  Director of Governance and Compliance Services	End March 2020  End March 2020

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<p>Officers in senior roles should further develop their skills also and not only take part in training, but develop and drive high standards of compliance across the Council.</p> <p>Once the senior management team is fully established, further training should be undertaken and the Inspector updated once this has taken place</p>	<p>continue to be independent of the service for which the activity is being authorised</p> <p>.</p>		
<p>In all of the Directed Surveillance Authorisations (DSAs) inspected, the quality of the applications was found to be of an extremely good quality and well formed. Every application was formed by a single staff member, who should be commended for the effort which has gone into each application.</p>	<p>Trading Standards Investigations Enforcement Officer made all the applications inspected. Therefore they should be commended by the Council's Corporate Leadership Team for their work on these cases.</p>	<p>Executive Director of Corporate Services</p>	<p>End November 2019</p>
<p>The quality of the authorisations needs to be improved. Overall, the considerations of each Authorising Officer (AO) was limited and consisted of a repeat of the proposed operational plan rather than an in-depth detailing of the statutory considerations required. Each authorisation considered the potential to gather confidential material rather than address the issues of collateral intrusion.</p> <p>The Council policy identifies the role of the AO, paragraph 5.6 and the details required</p>	<p>This will be covered in the forthcoming training.</p>	<p>Trading Standards and Community Protection Manager</p> <p>Authorising Officers</p> <p>Senior Responsible Officer &amp; Deputy Monitoring Officer</p>	<p>End March 2020</p>

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to be considered by the AO and contained within their authorisation, at paragraph 6.6. Even with these details contained within the revised policy and as updated in 2019, these matters are not being adhered to fully by the AOs presently undertaking this role on behalf of the Council.			
The RIPA policy would benefit from the addition of the guidance offered within the CHIS Code of Practice 2018, paragraphs 2.18 to 2.26. These paragraphs outline how to manage information from public volunteers and when an AO should consider an authorisation. In addition, the RIPA policy, referring to the authorisation period for juvenile CHIS, states that this is for one month. This has been changed through 2018 legislation to a period of four months.	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf</a> This information will be incorporated into a revised CEC RIPA Policy. This will also be covered in the forthcoming training.  The juvenile CHIS information will be amended to take into account the amendment to the legislation. i.e. one month to four months.	Trading Standards and Community Protection Manager          Compliance and Customer Relations Manager	End February 2020          Implemented with immediate effect
Specimen directed surveillance authorisations were found to contain a section for use when utilising the urgency provisions. This section of the form should be removed, to avoid any confusion, as the use of the urgency provisions is no longer applicable to the Council following The Protection of Freedoms Act 2012.	<a href="https://www.gov.uk/government/publications/application-for-use-of-directed-surveillance">https://www.gov.uk/government/publications/application-for-use-of-directed-surveillance</a>  The authority uses the recommended form as downloaded from the above gov.uk website. The Urgency Provisions Section is on the seventh and final page of the form. In future, this final page will not be printed, in order to avoid confusion.	Senior Compliance and Customer Relations Officer   Trading Standards and Community Protection Manager	Implemented with immediate effect.

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There should be regular, ongoing internal oversight of the actual or potential use of these powers conducted by the Senior Responsible Officer. The role of the SRO should be an intrusive one. It is clear that the SRO has not identified and addressed the issues outlined in the inspection.	The Senior Responsible Officer ( the Monitoring Officer) signs the Central Record of Authorisations every quarter and inspects the individual authorisations. There is a requirement for increased diligence by the SRO.	Senior Responsible Officer	Implemented with immediate effect.
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