



## Internal Audit Report

Follow-up Audit of the findings identified by the  
Office of Surveillance Commissioners (OSC) on  
30 July 2007

Surveillance – Compliance with the Regulation  
of Investigatory Powers Act 2000 (RIPA)

6 November 2008

Report issued to		
FAO:	Bill Norman	Director of Law, Human Resources and Asset Management
cc:	Simon Goacher	Acting Monitoring Officer and Proper Officer

Report produced by	Report authorised by
Luan Quirke	Mark Niblock
Senior Auditor	Deputy Chief Internal Auditor
0151 666 3289	0151 666 3432
luanquirke@wirral.gov.uk	markniblock@wirral.gov.uk

Internal Audit  
Finance Department  
Treasury Building  
Cleveland Street  
Birkenhead  
Wirral  
CH41 6BU

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## Contents

1. Introduction	Page 3
2. Objectives and Scope	Page 4
3. Scope	Page 4
4. Audit Opinion	Page 4
5. Findings	Page 5 -12
6. Recommendation Summary	Page 13 -14
7. Customer Satisfaction Survey	Page 15

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 1. Introduction

- 1.1 A follow up audit has been undertaken of the Authority's use of surveillance and compliance with the Regulation of Investigatory Powers Act 2000 (RIPA). The purpose of the review was to ascertain whether the recommendations made in the report of the Office of Surveillance Commissioners dated 31 July 2007 have been implemented.
- 1.2 This report details the findings and recommendations emanating from this work. The content of the report reflects and summarises the points made by the Office of Surveillance Commissioners in their report dated 31 July 2007.
- 1.3 Please consider the report and complete the shaded sections, in consultation with other managers as appropriate, and return a copy to Luan Quirke, by 5 December 2008, being aware of the following:
- If a recommendation is not to be implemented, it will be assumed that the associated potential implications have been accepted. However, any medium and high priority recommendations not accepted will be reported at the next meeting of the Audit and Risk Management Committee, which you may be asked to attend to explain your reasons for non-acceptance.
  - Please ensure that your Departmental Management Team is notified of the four findings identified as "high priority" within the Report, so that consideration can be given to its inclusion in the Corporate or relevant Departmental Risk Register.
- 1.4 Internal Audit is keen to provide a quality service to all its clients. This report includes a Customer Satisfaction Survey which provides an opportunity to give feedback on the service you have received. Please ensure that Simon Goacher, Acting Monitoring Officer and Proper Officer, completes and returns the Survey, providing any additional comments, so as to assist our continuous improvement. A manager from within Internal Audit may contact him to discuss the responses.
- 1.5 Please thank Simon Goacher for his help and co-operation during the audit. Do not hesitate to contact Luan Quirke if you should wish to discuss any aspect of this report further.

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 2. Objectives of the Audit

- 2.1 To ensure that the recommendations made in the Office of Surveillance Commissioners report dated 31 July 2007 have been implemented.
- 2.2 To ensure that identified controls are working effectively and are adequate to mitigate the risks identified in the system.

## 3. Scope of the Audit

- 3.1 The recommendations that were reported upon related to the central record for Directed Surveillance, training needs analysis and completion of the Home Office model forms.
- 3.2 The current Policy and Procedure for surveillance was also reviewed as part of the follow-up audit.
- 3.3 Discussions were held with Simon Goacher, the Acting Monitoring Officer and Proper Officer, key policy and procedural documents were examined and evidence of implementation of each recommendation obtained.

## 4. Audit Opinion

- 4.1 The findings of the audit have been reviewed and the current control environment has been assessed as 'less than satisfactory'.
- 4.2 This report has been produced on an 'exception' basis, which highlights areas of weakness where some action is required to improve controls in these areas. However, it should be stressed that the audit work identified that there are some areas of good practice, where the controls established are considered sufficient.

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 5. Findings

5.1 The following recommendations have been implemented:

5.1.1 The Head of Legal and Member Service, in his RIPA monitoring role should ensure that the latest version of the Home Office model forms are used for authorising all future Directed Surveillance applications and that through the use of such forms, the imperfections found in the earlier applications and authorisations are not repeated.

5.1.2 The issues and imperfections discovered during this inspection should be included in the curriculum of any future corporate RIPA training event.

5.2 However, three recommendations have not been fully implemented and two additional findings were identified during the follow-up review. These are detailed on the following seven pages.

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

### 5.3

#### 5.3.1 Risk and Its Potential Implications

If the Corporate Policy on RIPA is not up-to-date misinterpretations and inconsistencies could occur.

#### 5.3.2 Finding

The Council has adopted a Corporate Policy and Employees Guide on RIPA, which was approved by Cabinet in December 2003. However, the Policy is out-of-date and requires a review.

#### 5.3.3 Recommendation

The Corporate Policy and Employees Guide on RIPA should be reviewed and updated where necessary to ensure it reflects the current situation.

#### 5.3.4 Priority level

High

To be completed by client:			
Recommendation agreed?			Yes/No
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

### Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 5.4

### 5.4.1 Risk and Its Potential Implications

If corporate procedures for RIPA authorisation do not provide sufficient detail, Officers could make their own subjective interpretations of what is required and undertake surveillance without obtaining the necessary RIPA authorisation.

### 5.4.2 Finding

Corporate procedures have been developed in respect of RIPA, which was sent to all authorising officers in June 2008. However, the procedure note lacks sufficient detail.

### 5.4.3 Recommendation

The procedure note should be reviewed and updated so as to ensure it includes the authorisation process in sufficient detail. The revised copy should be agreed by management and distributed to all relevant staff.

### 5.4.4 Priority level

High

To be completed by client:			
Recommendation agreed?			Yes/No
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

## Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 5.5

### 5.5.1 Risk and Its Potential Implications

If a central register is not maintained of Applying and Authorising Officers training details, Officers may not receive appropriate training to enable them to comply with RIPA.

### 5.5.2 Office of Surveillance Commissioners finding 31/07/07

A training needs analysis should be undertaken to identify knowledge gaps and thereafter a corporate RIPA training event held to educate and inform all potential Applicants and Authorising Officers.

### 5.5.3 Partly-implemented

The Acting Monitoring Officer and Proper Officer has been nominated as the Responsible Officer for ensuring employees receive suitable training on the application of the Act to those activities which they are required to perform in the course of their employment. The Responsible Officer has carried out an assessment of the training needs of applying and authorising officers and has organised a training event which will take place on 7 October 2008 with a further event in April 2009. On completion of the training in April 2009 refresher training will take place every two years.

The Responsible Officer has also requested that all departments provide a list of the names of all Applying and Authorising Officers in their departments so that a central register of training needs can be maintained.

### 5.5.4 Recommendation

A central register should be maintained which details of the names of Applying and Authorising Officers who have received training and those who require training. This should then be used to identify the training needs of Officers.

### 5.5.5 Priority level

Medium

To be completed by client:			
Recommendation agreed?		Yes/No	
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			



System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 5.6

### 5.6.1 Risk and Its Potential Implications

If authorisations are not reviewed and/or cancelled, surveillance may continue for longer than necessary and will therefore not comply with RIPA.

### 5.6.2 Office of Surveillance Commissioners finding 31/07/07

Authorising officers are required to carry out regular reviews of the applications which they have authorised to ensure prompt renewal or cancellation. None of the authorisations inspected appeared to have been formally reviewed. All but one case inspected had been properly cancelled.

### 5.6.3 Partly-implemented

The Responsible Officer is currently in the process of implementing a system whereby a sample of authorisations will be selected each month and an independent review of compliance to RIPA will be undertaken.

### 5.6.4 Recommendation

Authorising officers should carry out regular reviews of applications which they have authorised to ensure prompt renewal or cancellation of surveillance. The central record should also be proactively reviewed as a central management tool.

### 5.6.5 Priority level

High

To be completed by client:			
Recommendation agreed?		Yes/No	
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 5.7

### 5.7.1 Risk and Its Potential Implications

Authorisations, renewals and cancellations may not be recorded in accordance with the Codes of Practice and in the event of a subsequent litigation, evidence may not be available.

### 5.7.2 Office of Surveillance Commissioners finding 31 July 2007

The central record should be regularly updated and capture all the information required by the Codes of Practice. It should be used more effectively in order to provide central oversight and monitoring of all authorisations.

### 5.7.3 Partly-implemented

A new procedure has been implemented which requires departments to update the central record immediately upon authorisation being granted. However, the procedure has not been fully implemented by all sections.

### 5.7.4 Recommendation

The central register should be maintained and kept in safe custody of all departments granting authorisations under RIPA. The register should include a unique reference number for all authorisations.

### 5.7.5 Priority level

High

To be completed by client:			
Recommendation agreed?			Yes/No
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

## Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

## 6. Recommendation Summary

Ref	Risk and Potential Implications	Recommendation	Priority Level	Agreed? (To be completed by client)
5.3	If the Corporate Policy on RIPA is not up-to-date misinterpretations and inconsistencies could occur.	The Corporate Policy and Employees Guide on RIPA should be reviewed and updated where necessary to ensure it reflects the current situation.	High	
5.4	If corporate procedures for RIPA authorisation do not provide sufficient detail, Officers could make their own subjective interpretations of what is required and undertake surveillance without obtaining the necessary RIPA authorisation.	The procedure note should be reviewed and updated so as to ensure it includes the authorisation process in sufficient detail. The revised copy should be agreed by management and distributed to all relevant staff.	High	
5.5	If a central register is not maintained of Applying and Authorising Officers training details, Officers may not receive appropriate training to enable them to comply with RIPA.	A central register should be maintained which details of the names of Applying and Authorising Officers who have received training and those who require training. This should then be used to identify the training needs of Officers.	Medium	
5.6	If authorisations are not reviewed and/or cancelled, surveillance may continue for longer than necessary and will therefore not comply with RIPA.	Authorising officers should carry out regular reviews of applications which they have authorised to ensure prompt renewal or cancellation of surveillance. The central record should also be proactively reviewed as a central management tool.	High	

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

Ref	Risk and Potential Implications	Recommendation	Priority Level	Agreed? (To be completed by client)
5.7	Authorisations, renewals and cancellations may not be recorded in accordance with the Codes of Practice and in the event of a subsequent litigation, evidence may not be available.	The central register should be maintained and kept in safe custody of all departments granting authorisations under RIPA. The register should include a unique reference number for all authorisations.	High	



For Audit Use Only	
File Reference	PS- 2.3
Auditor	L Quirke
Date of Report	6/11/08
Date Received	

## 7. Customer Satisfaction Survey

**Audit of: Surveillance – Compliance with RIPA**

**Date of Audit: August - September 2008**

I am responsible for providing you with a quality Internal Audit Service and I want to ensure that your audit continues to be effective. A number of performance indicators have been adopted and one of the most important of these is your view of the service you receive.

Please spare the time to complete and return this form. This is an opportunity for you to provide your views on the level of service you received during your recent audit. Your answers will help me to develop and maintain the highest level of service possible.

THANK YOU FOR YOUR HELP.

*David A Garry C.P.F.A*  
Chief Internal Auditor

QUESTIONNAIRE			
WERE YOU SATISFIED WITH:	<u>Yes</u>	<u>No</u>	<u>Comments</u> (please continue overleaf if you wish)
<b>1. <u>TIMING:</u></b>			
• Advance notice of the audit?			
• Duration of the audit?			
<b>2. <u>COMMUNICATION:</u></b>			
• Courtesy of the auditor(s)?			
• Level of auditor(s) knowledge?			
• Consultation on the findings?			
• Method of report delivery?			
<b>3. <u>AUDIT REPORTS:</u></b>			
• Format of the report?			
• Speed of production of the report?			
• Relevance of the recommendations?			
• Value of the recommendations?			
• Audit opinion?			
<b>4. <u>QUALITY OF SERVICE:</u></b>			
• Usefulness of the audit?			
• Professionalism of the audit?			
• Professionalism of the auditor?			

If you would like to comment further on the conduct, outcome or how you feel I could improve the Internal Audit Service please do so overleaf, or telephone me on 666 3387.

Completed by:

Signed:

Date: