

Date: 18 June 2014

Item 18: Legal Compliance Report (1 October 2013 – 31 March 2014)

This report will be considered in public

1 Summary

- 1.1 This paper summarises the information provided by each TfL Directorate to be included in the Legal Compliance Report for the period 1 October 2013 to 31 March 2014.
- 1.2 A paper is included on Part 2 of the agenda which contains the exempt supplemental information and documentation. The information is exempt by virtue of paragraph 5 of Schedule 12A of the Local Government Act in that it contains information relating to issues where a claim to legal professional privilege could be made.

2 Recommendation

- 2.1 **That the Committee note the report.**

3 Background

- 3.1 The Legal Compliance Report is compiled from information supplied through questionnaires completed by each TfL Directorate and follow up discussions concerning known legal compliance issues.

4 Scope of the Report

- 4.1 The Directorates were asked to identify where they are aware of any alleged breaches of law between 1 October 2013 and 31 March 2014. The questionnaire sought responses concerning the following:
 - (a) prosecutions against TfL;
 - (b) formal warnings or notices from the Health and Safety Executive, the Office of Rail Regulation, the London Fire and Emergency Planning Authority, the Environment Agency, the Information Commissioner or other Government Agencies;
 - (c) investigations by an Ombudsman;
 - (d) alleged legal breaches notified by Local Authorities or other bodies;
 - (e) judicial reviews;
 - (f) involvement in inquests;

- (g) commercial/contract claims in excess of £100,000;
- (h) personal injury claims;
- (i) proceedings in relation to discrimination on the grounds of race, sex, disability, age, religion or belief, sexual orientation, equal pay or breach of contract;
- (j) wrongful or unfair dismissal;
- (k) actions to recover unpaid debt in excess of £5,000;
- (l) breaches of EU/UK procurement rules and/or the Competition Act;
- (m) other material breaches of the law;
- (n) any other material issues; and
- (o) any initiatives introduced by Directorates to address compliance issues.

4.2 The matters that the Directorates reported are contained in the paper on Part 2 of the agenda.

5 Management of Compliance Issues

- 5.1 TfL's legal and compliance risks are managed as part of TfL's overarching strategic risk management framework. A range of operational and assurance processes are in place to mitigate these risks at all levels in the organisation.
- 5.2 These safeguards are supported by the provision of advice on and training in relevant legal and corporate governance issues, which are tailored to the needs of TfL's business units.
- 5.3 The legal and compliance framework is the subject of continuous review and improvement. Initiatives to address compliance issues across TfL have included:
 - (a) providing advice and direction to all areas of TfL on the handling of personal information, requests for the disclosure of information and the retention of information;
 - (b) continued promotion of e-learning courses on Freedom of Information, Data Protection and records management;
 - (c) bespoke training was made available to the business and HR on a range of employment issues including employment law updates, compliance with TUPE, reasonable adjustments requirements and advocating effective case management through the Case Management Matters training course. In addition, the Employment Law team continues to run regular Witness Workshops, Mock Employment Tribunals and Lessons Learned sessions providing guidance and best practice learned from Employment Tribunal cases;
 - (d) ongoing engagement between HR People Management Advisers and Legal through legal surgeries and case management meetings;

- (e) a Commercial Peer Review Forum attended by senior managers to consider procurement strategies and contract award recommendations;
- (f) continuous monitoring and reporting performance against information governance legislative requirements;
- (g) the continued use of the TfL Commercial Toolkit introduced on 2 August 2013, which replaced all previous Commercial handbooks. Access to commercial and procurement documents is easier and more intuitive and all documents can be accessed from one location;
- (h) the implementation of Category Management which allows for greater visibility of the quantity, value and nature of what is procured across TfL and effective compliance with the aggregation rules imposed by the EU Procurement Directives;
- (i) the renewal and continued use of online resources for example THEMiS, to access up-to-date information on the EU Procurement Directives and case studies to enhance support and advice provided to the business to comply with procurement law;
- (j) the ongoing use of the pan TfL template for procurement strategies, evaluation strategies and contract award recommendations. This has resulted in more robust templates, greater visibility of possible legal compliance issues within the business at an early stage in the planning process, ensuring concerns are highlighted, scrutinised and agreed as appropriate; and
- (k) the introduction of an improved process relating to the reporting and recording of gifts and hospitality.

6 Conclusions

6.1 The Legal Compliance Report for the period 1 October to 31 March 2014 sets out the legal and compliance matters of which TfL senior management is aware. There are no material breaches of the law which would affect TfL's continued operations.

6.2 Reported matters continue to be broadly in line with previous reports.

List of appendices to this report:

Exempt supplemental information, including Trend Analysis, is included in a paper on Part 2 of the agenda.

List of Background Papers:

None

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