



Date: 18 December 2013

Item 16: Legal Compliance Report (1 April 2013 – 30 September 2013)

This report will be considered in public

1 Summary

- 1.1 This paper summarises the information sought by each TfL Directorate to be included in the Legal Compliance Report for the period 1 April 2013 to 30 September 2013.
- 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 April 2013 and 30 September 2013. 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. Recent initiatives to address compliance issues across TfL have included the following:
 - (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) the introduction of a Commercial Peer Review Forum to consider procurement strategies and contract award recommendations. This Forum is attended by senior managers and provides them with greater visibility and more opportunity to scrutinise and challenge areas covered;
- (f) monitoring and reporting performance against information governance legislative requirements;
- (g) the introduction of a TfL Commercial Toolkit on 2 August 2013 replacing 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 development of a new 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
- (i) 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 April 2013 to 30 September 2013 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:

Appendix 1 – Trend Analysis (Part 2 on the agenda)

List of Background Papers:

None

Contact Officer: Howard Carter, General Counsel
 Number: 020 3054 7832
 Email: HowardCarter@tfl.gov.uk