

Notice of a public meeting of

Audit & Governance Committee

To:	Councillors Pavlovic (Chair), Fisher, Lomas, Mason, D Taylor, Wann and Webb Mr Mann and Mr Mendus (Independent Members)
Date:	Wednesday, 4 December 2019
Time:	5.30 pm
Venue:	The Thornton Room - Ground Floor, West Offices (G039) Ground Floor, West Offices (G039)

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 1 - 8)

To approve and sign the minutes of the meeting of the Audit & Governance Committee held on 18 September 2019.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Tuesday, 3 December 2019.**

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

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Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at:

http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Monitor 3 2019/20 - Key Corporate Risks (Pages 9 - 44)

This report presents an update on the key corporate risks (KCRs) for City of York Council, including a detailed analysis of KCR 8, relating to the Local Plan.

5. Information Governance and Complaints (Pages 45 - 78)

This report provides an update on the council's performance in respect of information governance, Information Commissioner's Office decision notices, publication of responses, and Local Government and Social Care Ombudsman complaints.

6. Mazars Audit Update Report (Pages 79 - 92)

This report introduces a report from Mazars on progress made in delivering their responsibilities as the council's external auditors.

7. Treasury Management Mid-Year Review and Prudential Indicators 2019/20 (Pages 93 - 106)

This report provides an update on the council's treasury management activities for the period 1 April to 30 September 2019 and compliance with Prudential Indicators.

8. Settlement Agreements (Pages 107 - 114)

This report informs Members of the process to be followed in respect of settlement agreements, as confirmed by Staffing Matters & Urgency Committee, following the recommendations made by Audit & Governance Committee in March 2019.

9. Audit & Counter Fraud Monitoring Report (Pages 115 - 138)

This report provides an update on progress made in delivering the internal audit work plan for 2019/20 and on current counter-fraud activity.

Note: the internal audit reports referred to in Annex 1 to the above report are not included in the agenda pack but are available to view with the agenda on the internet.

10. Review of the Audit & Governance Committee Effectiveness (Pages 139 - 142)

This report considers the options available for undertaking a review of Audit & Governance Committee's effectiveness.

11. Whistleblowing Update (Pages 143 - 162)

This report seeks final comments from the committee on a proposed new whistleblowing policy for the council.

12. Social Media Policy and Process - a Review (Pages 163 - 170)

This report describes the implementation of the council's social media policy and process and the impact it has had to date, and provides an update on the media protocol.

13. Audit & Governance Committee Forward Plan to September 2020 (Pages 171 - 178)

To consider the future plan of reports expected to be presented to the committee up to September 2020.

14. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Audit & Governance Committee
Date	18 September 2019
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), Wann, Webb, Hook, Lomas and Mr Mendus (Independent Member)
Apologies	Councillor D Taylor Mr Mann (Independent Member)

18. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

19. **Minutes**

Resolved: That the minutes of the meeting held on 29 July 2019 be approved and then signed by the Chair as a correct record.

20. **Public Participation**

It was reported that Ms Gwen Swinburn had registered to speak under the Council's Public Participation Scheme in relation to:

- a number of 'reasonable assurance' internal audits, inviting the Committee to have copies of these audits published with meeting papers;
- a potential review on staff car parking identified by internal audit;
- a performance dip in responses to freedom of information (foi) and other such requests;
- the quality of performance information within the quarterly monitoring reports on information governance;
- details of procurements between £30k and £100k being provided quarterly through the open data platform;
- guidelines and training identified in the public interest report for Officers operating as company Directors;
- the recording of Officer key and non-key decisions over £100k.

21. Mazars Annual Audit Letter 2018/19

Members considered a report that summarised, for information, the outcome of Mazar's external audit of the Council's 2018/19 annual accounts and their work on the value for money conclusion. Representatives of the Council's external auditors attended the meeting to explain the key themes of their Annual Audit letter and to answer Members' questions.

Resolved: That the matters set out in the Annual Audit report presented by Mazar's be noted and representatives from the Council's external auditors be thanked for their attendance.

Reason: To ensure Members are aware of Mazar's progress in delivering their responsibilities as external auditors.

22. New Code of Audit Practice - 2020 Consultation Update

Members considered a report setting out details of a two stage consultation process in relation to a new Code of Audit Practice, due to come into force no later than 1 April 2020.

Representatives of the Council's external auditors attended the meeting to explain the consultation stages and outline the key changes in the proposed new Code. Those changes related to an option to provide enhanced audit reports and to revised reporting criteria specified on value for money reviews, which could lead to a slight variation in costs.

Resolved: That the matters set out in the New Code of Audit Practice update report, including the consultation stages for the new Code, as presented by Mazars be noted.

Reason: To ensure Members are aware of current audit issues in the sector.

23. Monitor 2 2019/20 - Key Corporate Risks

Members considered the second monitoring report, updating the key corporate risks (KCRs) identified in the Council's risk register for 2019/20, as set out at Annex A of the report. The report included a detailed analysis of KCR7 (Capital Programme) at Annex B.

The Chair referred, in particular, to the information provided specifically on the risks potentially associated with the York Central Project at Annex D of the report and with Brexit at KCR 13 (Annex A). He referred Members specifically to the update report on Brexit implications to be considered by the Executive at its meeting on 26 September 2019, which had been added to the published agenda for this meeting as Annex F to this report.

In turn, the Chair invited the Director of Economy & Place and Officers to give any updates to information in their report relating to York Central and then Brexit and to respond to Members' questions accordingly.

In relation to York Central, Members sought clarity upon the governance arrangements to manage and report risks associated with the delivery phase of the project. The Assistant Director (Regeneration & Asset Management) outlined the strands in place to manage those risks in some detail, ranging from the structure to the methodology, product assurance (through internal gateway reviews) and to functional transparency and scrutiny (reports to the Executive). The Delivery Co-ordination Board being central to that process. In relation to any potential delays in the project, she advised that details of proposed mitigations for such risks were set out in the report to the Executive in July 2019.

The Chair then invited Officers to give any update in relation to the information provided on KCR 13 (Brexit). Officers explained their role within the Council, in acting as a conduit for information on Brexit, adding that service areas had been identifying relevant risks, if any, on a regular basis. Members expressed some concern that the information provided did not address the impact of a potential no-deal Brexit on the cost of essentials (like food). Nor did it cross-reference to other risks, such as KCR 12 (major incidents) in the potential eventuality of a no-deal Brexit leading to any such incidents. Officers undertook to update the Executive at its meeting on 26 September 2019 on the points made by this Committee on Brexit.

Finally, the Chair sought comments on KCR 7 (Capital Programme) and it was suggested that a report back on the 'Veritau' perspective of corporate project management, in due course, would be helpful.

Resolved:

- i. That the key corporate risks identified at Annex A of the report be noted, together with the detailed risk analysis on capital projects at Annex B with a further update to a future meeting specifically on the corporate management of major capital projects;
- ii. That the information provided specifically in relation to the York Central Project at Annex D of the report be noted;
- iii. That the information provided on KCR13 (Brexit) at Annex A be revised to address the potential impact of a 'no-deal' Brexit on the cost of essentials as set out above;
- iv. That the publication of the Older Person's Accommodation Gateway Review Briefing set out at Annex E, be noted;
- v. That the 2019/20 Monitor 3 report will include a detailed analysis of KCR8 Local Plan be noted.

Reason: To provide assurance that the authority is effectively understanding and managing its key risks.

24. Internal Audit Follow Up Report

Members considered a report that set out progress made by council departments in implementing actions agreed as part of internal audit work, up to the end of July 2019. Officers referred to Annex 1 which now included details of actions outstanding for more than 6 months.

Reference was made to outstanding actions from the Health & Safety Audit 2017-18 and it was agreed to request reassurance that the revised deadline of 31 March 2020 could be met.

Resolved: That the progress made in implementing internal audit agreed actions as set out in the report, be noted and that specific reassurances be sought and reported back to Members in relation to the Health & Safety Audit 2017-18, as outlined above.

Reason: To enable Members to fulfil their role in providing independent assurance on the council's control environment.

25. Audit & Counter Fraud Monitoring Report

Members considered a report that provided an update on progress made in delivering the internal audit work plan for 2019/20 and on current counter fraud activity. As part of the work undertaken, the Council's Internal Audit Charter had been reviewed and Members' approval to a number of small changes was sought. The proposed revised Charter was set out at Annex 4 to the report and a tracked changes version was tabled at the meeting so that Members could appreciate clearly the changes proposed.

Further to the report, clarity was sought and assurances were given relating to the membership of the Veritau Board and any potential conflict of interest for Section 151 Officer. It was noted that the Interim Section 151 Officer was not currently a member of the Board.

Resolved:

- i. That the progress made in delivering the 2019/20 internal audit work programme, and current counter fraud activity, be noted.

Reason: To enable Members to consider the implications of audit and fraud findings.

- ii. That proposed changes to the internal audit charter, at Annex 4 of the report, be approved.

Reason: In accordance with the responsibility of the Committee to consider reports dealing with the management of the internal audit function, and to comply with proper practice for internal audit.

26. Review of the Constitution And Governance Arrangements

Members considered a report updating them on the proposed review of the Constitution and the Council's governance arrangements. Members were advised that the Executive would

be considering the next steps at its meeting on 26 September 2019. This Committee was being asked for its views on the way forward. The Interim Monitoring Officer outlined proposals to undertake the review in two parts, as follows:

- (i) Firstly, to review the current Constitution as a whole for accuracies, consistency of references and current working practices, taking into account examples of best practice;
- (ii) Secondly to assess the current decision making and scrutiny structures and compare that to the advantages and disadvantages of reverting to a 'committee system', as provided for under the Localism Act.

Both parts could run simultaneously but the first was fundamentally a 'tidying up' exercise and could potentially be completed by the end of the year, whilst the second would, of course, be more challenging. If Council wished to revert to a 'committee system', the Monitoring Officer's view being that it would be difficult to implement prior to May 2020.

Members considered how best to facilitate and support both parts of the review and were minded to delegate part (i) to the Interim Monitoring Officer, subject to a report back at a future meeting. In relation to part (ii), they were minded to support establishing a Working Group to examine:

- The advantages/disadvantages of a Committee system;
- The impact on Members' ability to represent their wards; and
- Any potential changes to current structures/arrangements to facilitate improved decision making and representation

The Monitoring Officer undertook to provide feedback on the above views of Audit & Governance Committee to the Executive meeting on 26 September 2019.

Resolved:

- (i) That the report and information provided be noted;
- (ii) That the proposed constitutional review be undertaken in two parts as outlined above;
- (iii) That the Interim Monitoring Officer review the current Constitution as a whole for accuracies, consistency of references and current working practices and report

- back details of any proposed changes to Committee, ideally at the meeting in December 2019;
- (iv) That the Committee establish a Working Group as and when required to assist in part (ii) above in any constitutional review, examining the potential re-introduction of a 'Committee System'.

Reason: To ensure that the Audit & Governance Committee undertakes its role as set out in the Council's Constitution and paragraph 5 of the report.

27. Information Governance & Complaints

Members considered a report that provided an update on information governance and complaints, including the following:

- Information governance performance
- ICO decision notices
- Publication Scheme and publishing responses
- LGSCO Complaints from April 2019 to date of this report

Members queried the dip in performance in the timeliness of responses to freedom of information (foi) requests etc during Quarter 1 of 2019/20. Officers explained that they were currently looking into those reasons and would be reporting on them.

Further to the above, a request was made to include figures for 2017/18 in future and that was agreed.

Resolved: That the performance levels for Quarter 1 and information provided in the report, be noted, with figures for 2017/18 to be included in future performance monitoring.

Reason: To keep Members updated.

28. Audit & Governance Committee Forward Plan to July 2020

Members received the future plan of reports expected to be presented to the Committee during the forthcoming year to June 2020.

In light of the business discussed at this meeting, Members agreed to the following additions to their 'forward plan':

- Information update on key corporate projects – David Atkinson;
- Constitutional Review Update (part (i)) – Suzan Harrington, Interim Monitoring Officer.

Resolved: That the Forward Plan be approved, subject to the above amendments.

Reason: To ensure the Committee receives regular reports in accordance with the functions of an effective audit committee.

Cllr Pavlovic, Chair

[The meeting started at 5.30pm and finished at 8.04pm].



Audit & Governance Committee**4 December 2019**

Report of the Deputy Chief Executive/ Director of Customer and Corporate Services Directorate

Monitor 3 2019/20 - Key Corporate Risks**Summary**

1. The purpose of this paper is to present Audit & Governance Committee (A&G) with an update on the key corporate risks (KCRs) for City of York Council (CYC), which is included at Annex A.
2. A detailed analysis of KCR8 (Local Plan) is included at Annex B.

Background

3. The role of A&G in relation to risk management covers three major areas;
 - Assurance over the governance of risk, including leadership, integration of risk management into wider governance arrangements and the top level ownership and accountability for risk
 - Keeping up to date with the risk profile and effectiveness of risk management actions; and
 - Monitoring the effectiveness of risk management arrangements and supporting the development and embedding of good practice in risk management
4. Risks are usually identified in three ways at the Council;
 - A risk identification workshop to initiate and/or develop and refresh a risk register. The risks are continually reviewed through directorate management teams (DMT) sessions.

- Risks are raised or escalated on an ad-hoc basis by any employee
 - Risks are identified at DMT meetings
5. Due to the diversity of services provided, the risks faced by the authority are many and varied. The Council is unable to manage all risks at a corporate level and so the main focus is on the significant risks to the council's objectives, known as the key corporate risks (KCRs).
 6. The corporate risk register is held on a system called Magique. The non KCR risks are specific to the directorates and consist of both strategic and operational risk. Operational risks are those which affect day to day operations and underpin the directorate risk register. All operational risk owners are required to inform the risk officer of any updates.
 7. In addition to the current KCRs, in line with the policy, risks identified by any of the Directorates can be escalated to Council Management Team (CMT) for consideration as to whether they should be included as a KCR. KCRs are reported bi-annually to CMT.
 8. The Risk and Insurance Officer attends DMTs bi-annually to update directorate risks.

Key Corporate Risk (KCR) update

9. There are currently 13 KCRs which are included at Annex A in further detail, alongside progress to addressing the risks.
10. Annex C is a one page summary of all the KCR's and their current gross and net risk ratings.
11. In summary the key risks to the Council are:
 - KCR1 – Financial Pressures: The Council's increasing collaboration with partnership organisations and ongoing government funding cuts will continue to have an impact on Council services
 - KCR2 – Governance: Failure to ensure key governance frameworks are fit for purpose.
 - KCR3 – Effective and Strong Partnership: Failure to ensure governance and monitoring frameworks of

partnership arrangements are fit for purpose to effectively deliver outcomes.

- KCR4 – Changing Demographics: Inability to meet statutory deadlines due to changes in demographics
- KCR5 – Safeguarding: A vulnerable child or adult with care and support needs is not protected from harm
- KCR6 – Health and Wellbeing: Failure to protect the health of the local population from preventable health threats.
- KCR7 – Capital Programme: Failure to deliver the Capital Programme, which includes high profile projects
- KCR8 - Local Plan: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding
- KCR9 – Communities: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services.
- KCR10 – Workforce Capacity: Reduction in workforce/ capacity may lead to a risk in service delivery.
- KCR11 – External market conditions: Failure to deliver commissioned services due to external market conditions.
- KCR12 – Major Incidents: Failure to respond appropriately to major incidents.
- KCR13 – Brexit: The implications for council services when the UK is set to leave the EU, should that occur.

12. Risks are scored at gross and net levels. The gross score assumes controls are in place such as minimum staffing levels or minimum statutory requirements. The net score will take into account any additional measures which are in place such as training or reporting. The risk scoring matrix is included at Annex D for reference.

13. The following matrix categorises the KCRs according to their net risk evaluation. To highlight changes in each during the last quarter, the number of risks as at the previous monitor are shown in brackets.

Impact					
Critical			5 (5)		
Major			6 (6)		
Moderate		1 (1)		1 (1)	
Minor					
Insignificant					

Likelihood	Remote	Unlikely	Possible	Probable	Highly Probable
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14. By their very nature, the KCRs remain reasonably static with any movement generally being in further actions that are undertaken which strengthen the control of the risk further or any change in the risk score. In summary, key points to note are as follows;

- New Risks- No new risks have been added since the last monitor
- Increased Risks – no KCRs have increased their net risk score since the last monitor
- Removed Risks – no KCRs have been removed since the last monitor
- Reduced Risks – No KCRs have reduced their net risk score since the last monitor

Updates to KCR actions or controls since the last monitor report

15. KCR2 – Governance. A new cation has been added. A review of the Council’s constitution is underway and will be reported to Council in March 2020.
16. KCR4 – Changing Demographics. The action further design and implementation of arrangements for early help and prevention has a revised deadline. The action continue to analyse the Local Plan and Major development projects demographic data to determine the impact on all CYC services, is an ongoing action but the date is revised to reflect the change to the Local Plan timeline.
17. KCR8 – Local Plan. The implications and controls have been updated and a revised deadline for completion, which are detailed further in Annex B.
18. KCR9 – Communities. There is a revised date for completion of the framework for consultation.
19. KCR 12 Major Incidents and KCR13 Brexit. A further risk detail/ implication has been included to note the risk of potential civil unrest in relation to Brexit.

20. Further details on the above changes are included at Annex A.

Options

21. Not applicable.

Council Plan 2019-2023

22. The effective consideration and management of risk within all of the council's business processes helps support achieving all eight of the key outcomes identified in the Council Plan.

Implications

23. There are no further implications.

Risk Management

24. In compliance with the council's Risk Management Strategy, there are no risks directly associated with the recommendations of this report. The activity resulting from this report will contribute to improving the council's internal control environment.

Recommendations

25. Audit and Governance Committee are asked to:
- (a) consider and comment on the key corporate risks included at Annex A, summarised at Annex C;
 - (b) consider and comment on the information provided in relation to KCR8 Local Plan included at Annex B;
 - (c) note that the 2019/20 Monitor 4 report will include a detailed analysis of KCR9 Communities;
 - (d) provide feedback on any further information that they wish to see on future committee agendas

Reason:

To provide assurance that the authority is effectively understanding and managing its key risks

Contact Details

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**Report
Approved ✓**

**Date
22/11/19**

Specialist Implications Officer(s)

Mike Slater
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01904 551300

Wards Affected All

Annexes

- A – Key Corporate Risk Register
- B – Analysis of KCR8 Local Plan
- C – Summary of Key Corporate Risks
- D - Risk Scoring Matrix

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 1 FINANCIAL PRESSURES: The ongoing government funding cuts will continue to have an impact on council services. Over the course of the last 4 years there has been a substantial reduction in government grants leading to significant financial savings delivered. The council needs a structured and strategic approach to deliver the savings in order to ensure that any change to service provision is aligned to the council's key priorities. In addition other partner organisations are facing financial pressures that impact on the council.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Reduction in government grants leading to the necessity to make savings</p> <p>Increased service demand and costs (for example an aging population).</p> <p>Financial pressures on other partners that impact on the council</p> <p>Central government have announced a 4 year spending review. The spending review is one year only for 2020/21.</p>	<p>Potential major implications on service delivery</p> <p>Impacts on vulnerable people</p> <p>Spending exceeds available budget</p> <p>Lack of long term funding announcements from central government creates uncertainty which hinders long term financial planning</p> <p>Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p>	Probable	Major (20)	<p>Regular budget monitoring</p> <p>Effective medium term planning and forecasting</p> <p>Chief finance officer statutory assessment of balanced budget</p> <p>Regular communications on budget strategy and options with senior management and politicians</p> <p>Skilled and resourced finance and procurement service, supported by managers with financial awareness</p> <p>Ongoing analysis of 'no deal' Brexit implications through reports to Executive</p> <p>Financial Strategy 2019/20 approved</p>	Possible	Moderate (14)	No change	Development of budget strategy for 2020/21 (Ian Floyd, 31/01/2020)

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 2 GOVERNANCE: Failure to ensure key governance frameworks are fit for purpose. With the current scale and pace of transformation taking place throughout the organisation it is now more important than ever that the council ensures that its key governance frameworks are strong particularly those around statutory compliance including information governance, transparency and health and safety.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increased interactions in relation to FOIA and transparency</p> <p>Failure to comply with data protection and privacy legislation</p> <p>Serious breach of health and safety legislation</p> <p>Failure to comply with statutory obligations in respect of public safety</p>	<p>Increases in cases held or fines levied by Information Commissioner</p> <p>Failing to meet the legal timescales for responding to FOIA may result in reduced confidence in the council's ability to deal with FOIA and in turn, its openness and transparency</p> <p>Individuals will be at risk of committing criminal offences if they knowingly or recklessly breach the requirements of the GDPR legislation.</p> <p>Potential increased costs to the council if there are successful individual claims for compensation as a result of a breach of GDPR legislation.</p> <p>Impact on the end user/customer</p> <p>Public and staff safety may be put at risk</p> <p>Possible investigation by HSE</p>	Probable	Major (20)	<p>Electronic Communication Policy</p> <p>IT security systems in place</p> <p>Governance, Risk and Assurance Group (GRAG)</p> <p>Ongoing Internal Audit review of information security</p> <p>Health and Safety monitoring</p> <p>Regular monitoring reports to Audit & Governance committee and Executive Member decision sessions</p> <p>Open Data platform providing Freedom of Information (FOI) requested data</p> <p>Regular review of transparency code legislation and compliance</p> <p>Ongoing management of data architecture to provide de-personalised data to open data platform</p> <p>Public Protection Annual Control Strategy</p>	Possible	Major (19)	New Action	<p>Ongoing Action - Health and Safety training programmes at all levels (Ian Floyd, 31/03/2020)</p> <p>Ongoing Action: regular review of internal audit reviews and recommendations (Ian Floyd 31/03/20)</p> <p>NEW: Review of Council constitution underway, to report to Council in March 2020 (Suzan Harrington 31/3/20)</p>

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	Prohibition notices might be served preventing delivery of some services Prosecution with potential for imprisonment if Corporate Manslaughter Further incidents occur Adverse media/ social media coverage Reputational impact			Additional resource, training and improved processes to deal with FOIA requests Additional resource, training and improved processes to deal with the implementation of GDPR				

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 3 EFFECTIVE AND STRONG PARTNERSHIPS: Failure to ensure partnership arrangements are fit for purpose to effectively deliver outcomes. In order to continue to deliver good outcomes and services, the council will have to enter into partnerships with a multitude of different organisations whether they are public, third sector or commercial entities. The arrangements for partnership working need to be clear and understood by partners to ensure they deliver the best possible outcomes.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to effectively monitor and manage partnerships</p> <p>Partner (especially NHS, Academies) financial pressures may affect outcomes for residents</p> <p>Unilateral decisions made by key partners may effect other partners' budgets or services</p> <p>Financial pressure on York Teaching Hospitals NHS Foundation Trust (YTHFT) and Vale of York Clinical Commissioning Group (VOYCCG)</p>	<p>Key partnerships fail to deliver or break down</p> <p>Misalignment of organisations' ambitions and direction of travel</p> <p>Ability to deliver transformation priorities undermined</p> <p>Adverse impact on service delivery</p> <p>Funding implications</p> <p>Reputational impact</p>	Probable	Major (20)	<p>Account management approach to monitoring key partnerships</p> <p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG)</p>	Possible	Moderate (14)	No change	Ongoing action - Monitoring of controls (CMT, 31/03/2020)

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 4 CHANGING DEMOGRAPHICS: Inability to meet statutory duties due to changes in demographics. York has a rapidly changing demographic in relation to both residents and business. This brings with it significant challenges particularly in the delivery of adult social care and children’s services. There has also been significant inward migration and as such the council needs to ensure that community impacts are planned for and resourced.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Development and regeneration makes York more desirable and accessible to residents, students and business, resulting in increasing inward migration to York.</p> <p>An increase in the aging population requiring services from the council</p> <p>Increase in complexity of needs as people get older</p> <p>Increase in people living with dementia</p> <p>Increase in ethnic diversity of the population means that the council has to understand the needs of different communities in relation to how services are delivered</p> <p>Growing number of people with SEND or complex needs living into adulthood</p>	<p>Increased service demand from residents, including; statutory school placements, SEND, mental health, adult social care and environmental services (eg waste collection)</p> <p>Increased service demand in relation to business (eg Regulation, Planning)</p> <p>Impact of additional demands cause significant financial and delivery challenges, such as a rise in delayed discharges</p> <p>Reputational impact as these mainly impact high risk adult and children’s social care service areas</p> <p>Unable to recruit workers in key service areas eg care workers</p>	Probable	Major (20)	<p>Place planning strategy to ensure adequate supply of school places</p> <p>DfE returns and school population reported every 6 months</p> <p>Local area working structures in frontline services, including Early intervention initiatives and better self-care</p> <p>Assessment and Care management review complete, to better manage adult social care demand on CYC based on community led support</p> <p>Advice and Information Strategy complete, to provide residents with direct access to support and services, to better manage adult social care demand on CYC, resulting in the launch of Livewell York in March 19</p> <p>Investment in support brokerage work with NHS integrated commissioning</p> <p>Stakeholder and officer group, to create a more connected and integrated health and social care system.</p> <p>Officer caseload monitoring</p>	Possible	Major (19)	Update to action deadline	<p>Ongoing Action - Ensure adequate supply of schools places (CYC Place Planning Strategy, Governance Structure) (Amanda Hatton, 31/03/2020)</p> <p>Further redesign and implementation of new arrangements for early help and prevention (Sophie Wales, 30/06/2020)</p> <p>REVISED DATE</p> <p>Continue to analyse the Local Plan and Major development projects demographic data to determine the impact on all CYC services. Note: The Local Plan is currently in the public enquiry process which will consider the impact (CMT, 31/12/20)</p> <p>REVISED DATE</p>

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Demographic of workforce supply unable to meet workforce demand Failure to plan for the impact of a rapid change in demographics to front line service provision				Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG) York Skills Plan to 2020 The Education Planning Team have completed a review of demographic data to determine the impact on schools				

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 5 SAFEGUARDING: A vulnerable child or adult with care and support needs is not protected from harm. Ensuring that vulnerable adults and children in the city are safe and protected is a key priority for the council. The individual, organisational and reputational implications of ineffective safeguarding practice are acute.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Failure to protect a child or vulnerable adult from death or serious harm (where service failure is a factor)	<p>Vulnerable person not protected</p> <p>Children's serious case review or lessons learned exercise</p> <p>Safeguarding adults review</p> <p>Reputational damage</p> <p>Serious security risk</p> <p>Financial implications, such as compensation payments</p>	Probable	Major (20)	<p>Safeguarding sub groups</p> <p>Multi agency policies and procedures</p> <p>Specialist safeguarding cross sector training</p> <p>Quantitative and qualitative performance management</p> <p>Reporting and governance to lead Member, Chief Executive and Scrutiny</p> <p>Annual self assessment, peer challenge and regulation</p> <p>Audit by Veritau of Safeguarding Adults processes</p> <p>Children's and Adults Safeguarding Boards (LSCB & ASB)</p> <p>Ongoing inspection preparation & peer challenge</p> <p>National Prevent process</p> <p>DBS checks and re-checks</p> <p>Effectively resourced and well managed service</p>	Possible	Major (19)	No change	Ongoing action Safeguarding Board annual action plan 2019/20 (Sharon Houlden and Amanda Hatton, 31/03/2020)

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Safeguarding Board annual plan 2018/19 is approved</p> <p>Controls implemented from peer review action plan</p> <p>Chief Officer Group which brings together Chief Officers from relevant organisations in relation to safeguarding eg police, CYC</p> <p>Community Safety Plan 2017 to 2020 agreed by Executive 28 Sep 2017</p> <p>Completed restructure of Children's social care services</p> <p>Children's Social Care records system is upgraded. This is monitored by a project board. On going development is planned and awaiting costings</p> <p>July 2019 supplementary budget provided additional funding</p>				

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 6 HEALTH AND WELLBEING: Failure to protect the health of the local population from preventable health threats.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Failure to protect the health of citizens against preventable disease by ensuring appropriate levels of vaccination, immunisation and screening.	<p>Likelihood of mass disease outbreaks</p> <p>Late diagnosis & delay in treatment of health conditions that could be identified earlier through routine screening e.g. breast & cervical cancer, diabetic sight loss</p> <p>Reduction in life expectancy</p>	Probable	Major (20)	<p>Liaison with NHS and Public Health England and development of plans to be able to make a large scale response e.g. Mass Treatment Plan.</p> <p>Health Protection Board recently established with good engagement across partners in local and regional meetings.</p> <p>Annual Health Protection Report to the Health and Wellbeing Board and Health & Adult Social Care Policy and Scrutiny Committee</p> <p>CYC Director of Public Health is co-chair with NHS England of the North Yorkshire & York Local Health Resilience Partnership.</p> <p>Internal audit of health protection governance has been completed giving reasonable assurance.</p>	Possible	Moderate (14)	No change	An external peer review has been undertaken of health protection arrangements. The final report has been received and the service is currently developing an action plan to be overseen by the Health & Wellbeing Board (Sharon Stoltz, 31/03/20)

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 7 CAPITAL PROGRAMME: Failure to deliver the Capital Programme, which includes high profile projects. The capital programme currently has a budget of £615m from 2019/20 to 2023/24. The schemes range in size and complexity but are currently looking to deliver two very high profile projects, the Community Stadium and York Central, which are key developments for the city.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Complex projects with inherent risks</p> <p>Large capital programme being managed with reduced resources across the Council</p> <p>Increase in scale of the capital programme, due to major projects and lifting of borrowing cap for Housing</p>	<p>Additional costs and delays to delivery of projects</p> <p>The benefits to the community are not realised</p> <p>Reputational Damage</p>	Probable	Major (20)	<p>Project boards and project plans</p> <p>Regular monitoring of schemes</p> <p>Capital programme reporting to Executive and CMT</p> <p>Financial, legal and procurement support included within the capital budget for specialist support skills</p> <p>Project Management Framework</p> <p>Additional resource to support project management</p> <p>Capital Strategy 2019/20 to 2023/24 approved in Feb 2019</p> <p>A&G agreed there was sufficient assurance in relation to governance of major projects</p> <p>Internal Audit Report gave reasonable assurance on project management arrangements</p>	Possible	Moderate (14)	No Change	Development of capital strategy for 2020-21 (Ian Floyd, 31/01/2020)

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 8 LOCAL PLAN: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding. The council has a statutory duty to develop a Local Plan, a city wide plan, which helps shape the future development in York over the next 20 years. It sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses. The Local Plan is a critical part of helping to grow York's economy, create more job opportunities and address our increasing population needs.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to agree and adopt a Local Plan for the City.</p> <p>The Council has submitted the Draft Local Plan for Examination. This represents a significant milestone in the plan making process.</p> <p>The Draft Local Plan has to complete the Examination stage. There remains a risk that if the Plan fails this stage more work may be required and / or the plan has to be amended before adoption by the Council . In these circumstances the overall risk score remains unchanged.</p>	<p>UPDATED:</p> <p>No adopted strategic development plan or framework to guide new development and to shape the city whilst protecting and enhancing the environment and heritage of York.</p> <p>Development proposals which are not in accordance with the Draft Plan may continue to be submitted as planning applications resulting in refusals of planning permission and an increase in planning appeals.</p> <p>There may be a negative impact on the council's strategic economic goals and the lack of an adopted Plan may have an adverse impact on investment in the city until there is an adopted Local Plan which provides greater direction through land use allocations and policies which guide and direct development.</p>	Probable	Major (20)	<p>NEW: The plan making process following national guidance, good practice and specialist legal advice.</p> <p>Continued close liaison with:</p> <ul style="list-style-type: none"> • MHCLG, • Planning Advisory Services • Planning Inspectorate • The appointed planning Inspectors. <p>NEW: The Local Plan Working Group (LPWG) , the Executive and full Council have all been engaged in the plan making process at appropriate stages and before submission of Draft Local Plan for Examination</p> <p>Close liaison with neighbouring authorities in relation to the plan proposals and the plan making process / timetable.</p>	Possible	Major (19)	New Controls, updated implications and revised date	Ongoing action - Monitoring of controls (Mike Slater, 31/12/2020) - UPDATED

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	Development processes and decision making is slowed down							

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 9 COMMUNITIES: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services. The council needs to engage in meaningful consultation with communities to ensure decisions taken reflect the needs of residents, whilst encouraging them to be empowered to deliver services that the council is no longer able to do. Failing to do this effectively would mean that services are not delivered to the benefit of those communities or in partnership.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to effectively engage with the communities we serve</p> <p>Failure to contribute to the delivery of safe communities</p> <p>Failure to effectively engage stakeholders (including Members and CYC staff) in the decision making process</p> <p>Failure to manage expectations</p> <p>Communities are not willing/able to fill gaps following withdrawal of CYC services</p> <p>Lack of cohesion in the planning and use of CYC and partner community based assets in the city</p>	<p>Lack of buy in and understanding from stakeholders</p> <p>Alienation and disengagement of the community</p> <p>Relationships with strategic partners damaged</p> <p>Impact on community wellbeing</p> <p>Services brought back under council provision – reputational and financial implications</p> <p>Budget overspend</p> <p>Create inefficiencies</p> <p>Services not provided</p> <p>Poor quality provision not focused on need, potential duplication, ineffective use of resources, difficulty in commissioning community services e.g. Library services</p>	Probable	Major (20)	<p>Creating Resilient Communities Working Group (CRCWG)</p> <p>New service delivery models, including Local Area Teams. Local Authority Co-ordination Neighborhood Working</p> <p>Revised Community Safety Plan</p> <p>Devolved budgets to Ward Committees and delivery of local action plans through ward teams</p> <p>Local area working restructures for Children’s, Adults and Housing Services</p> <p>Improved information and advice, Customer Strategy and ICT support to facilitate self service</p> <p>CYC Staff and Member training and development</p> <p>The July 2019 supplementary budget provided additional resources to the safer community fund, community engagement officer and use of Brexit funding</p>	Possible	Major (19)	Revised Date	<p>Develop a Community Engagement Strategy (Amanda Hatton, 31/12/2019)</p> <p>New framework of consultation across the City to support the Community Engagement Strategy (Claire Foale 31/3/20)</p> <p>REVISED DATE</p>

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 10 WORKFORCE/ CAPACITY: Reduction in workforce/ capacity may lead to a risk in service delivery. It is crucial that the council remains able to retain essential skills and also to be able to recruit to posts where necessary, during the current periods of uncertainty caused by the current financial climate and transformational change. The health, wellbeing and motivation of the workforce is therefore key in addition to skills and capacity to deliver.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>The necessity to deliver savings has resulted in a reduced workforce requiring new and specialist skills</p> <p>Recruitment and retention difficulties as the council may be seen as a less attractive option than the private sector</p> <p>Lack of succession planning</p> <p>HR Policies may not be consistent with new ways of working (eg remuneration policy)</p> <p>Uncertainty around long term funding from central government.</p> <p>Staff with EU citizenship may leave</p>	<p>Increased workloads for staff</p> <p>Impact on morale and as a result, staff turnover</p> <p>Inability to maintain service standards</p> <p>Impact on vulnerable customer groups</p> <p>Reputational damage</p> <p>Single points of failure throughout the business</p> <p>Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p> <p>Potential recruitment issues if staff with EU citizenship leave and are difficult to replace</p>	Probable	Major (20)	<p>Workforce Strategy/ People Plan</p> <p>Stress Risk Assessments</p> <p>PDRs</p> <p>Comprehensive Occupational Health provision including counseling</p> <p>HR policies e.g. whistleblowing, dignity at work</p> <p>Development of coaching/ mentoring culture to improve engagement with staff</p> <p>Corporate Cost Control Group monitoring of absence and performance reporting</p> <p>Apprenticeship task group</p> <p>Agency and Interim Staffing Policies</p> <p>Absence Management Policies</p> <p>Substance Misuse Policy</p>	Possible	Moderate (14)	No Change	<p>The outputs of the Workplace Health & Wellbeing group and the Wellbeing survey will be used to develop a Workplace Health & Wellbeing Strategy for the organisation. (31/03/20, Sharon Stoltz)</p> <p>Ongoing action: Review of HR policies to ensure they compliment the new ways of working in the future (Ian Floyd 31/03/20)</p>

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>The council has signed up to a pledge to become a Time to Change Employer with a focus on mental health.</p> <p>A Workplace Health & Wellbeing Group has been established with staff & trade union representation which is chaired by the Director of Public Health.</p> <p>A staff health & wellbeing survey has been undertaken & this is being followed up by staff focus groups.</p> <p>Increase in regulatory compliance to protect the workforce eg Health and Safety regulations, working time directives</p> <p>Increase in Living wage</p> <p>Engagement with staff that had concerns about the EU settlement Scheme for European Citizens and offer of support through York Learning, Registrars and Citizens' Advice Bureau</p>				

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 11 EXTERNAL MARKET CONDITIONS: Failure to deliver commissioned services due to external market conditions.
 The financial pressures experienced by contracted services (in particular Adult Social Care providers) as a result of increases to the living wage could put the continued operation of some providers at risk. The Council has a duty to ensure that there is a stable/diverse market for social care services delivery to meet the assessed needs of vulnerable adults/children.
 Some services provided by the Council cannot be provided internally (eg Park and Ride) and must be commissioned. External market conditions such as the number of providers willing to tender for services may affect the Council's ability to deliver the service within budget constraints.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increases to the national living wage.</p> <p>Recruitment and retention of staff</p> <p>If failure occurs, the Council may remain responsible for ensuring the needs of those receiving the service continue uninterrupted.</p>	<p>Vulnerable people do not get the services required or experience disruption in service provision</p> <p>Safeguarding risks</p> <p>Financial implications: Increased cost of alternative provider Increased cost if number of providers are limited</p> <p>Reputational damage</p>	Unlikely	Major (18)	<p>Clear contract and procurement measures in place</p> <p>Ongoing review of operating and business models of all key providers and putting further mitigation in place, such as more robust contract monitoring and commissioning some 'enhanced' credit checks</p> <p>CYC investment in extra care OPHs has reduced recruitment pressure</p> <p>Revised SLA with independent care group and quarterly monitoring meetings with portfolio holder</p> <p>Increase in homecare fees to reflect actual cost of care</p> <p>Local policies in place for provider failure</p> <p>Ongoing analysis of 'no deal' Brexit implications through reports to Executive</p> <p>No specific supply chain or procurement issues have been identified, although there is a general</p>	Unlikely	Moderate (13)	No change	Ongoing action: Ongoing attendance at Independent Care Group Provider Conference (Sharon Houlden 31/03/20)

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				concern regarding unknown impacts from a number of suppliers and service providers as this is difficult to quantify given the uncertainty and increasing likelihood of a no deal Brexit.				

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 12 MAJOR INCIDENTS: Failure to respond appropriately to major incidents. Local Authorities are required by law to make preparations to deal with emergencies. Local Authorities have four main responsibilities in an emergency 1. to support the Emergency Services, 2. to co-ordinate non-emergency organisations, 3. to maintain their own services through a robust Business Continuity Management process and 4. to facilitate the recovery of the community. The Council must ensure that its resources are used to best effect in providing relief and mitigating the effects of a major peacetime emergency on the population, infrastructure and environment coming under it's administration. This will be done either alone or in conjunction with the Emergency Services and other involved agencies, including neighbouring authorities.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>An uncoordinated or poor response to a major incident such as:</p> <ul style="list-style-type: none"> • Flood • Major Fire • Terrorist Attack • NEW: Civil Unrest in relation to political issues such as Brexit 	<p>Serious death or injury</p> <p>Damage to property</p> <p>Reputational damage</p> <p>Potential for litigation</p> <p>Potential for corporate manslaughter charges if risks are identified and proposed actions not implemented</p>	Probable	Catastrophic (24)	<p>Emergency planning and Business Continuity Plans in place and regularly reviewed</p> <p>Strong partnerships with Police, Fire, Environment Agency and other agencies</p> <p>Support to Regional Resilience forums</p> <p>Support and work in partnership with North Yorkshire local resilience forums</p> <p>Investment in Community Resilience (re Flooding)</p> <p>Work with partners across the city to minimise the risk of a terrorist attack</p> <p>Implemented physical measures for certain events</p> <p>Review of city transport access measures (Exec Feb 18, Sep 18)</p>	Possible	Major (19)	New Risk detail	<p>Ongoing action: Regular review of emergency and business continuity plans (Neil Ferris, 31/3/20)</p> <p>Improvements to enhance flood protection (The Environment Agency)</p>

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

KCR 13 BREXIT: The implications for council services, should the UK leave the EU. Lack of clarity on the final outcome of negotiations and whether the withdrawal agreement will be accepted by parliament makes it difficult to fully access the implications of Brexit for York. Many risks are intangible given the variety of future scenarios that exist. The Council has therefore to the extent information allows undertaken limited assessments and planning for a no deal scenario looking at the implications internally, city wide and regional/national. This will inform the Council's response to any challenges or opportunities posed by Brexit and prioritise information and support for residents.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Lack of certainty and guidance from government departments</p> <p>Staff with EU citizenship may leave</p>	<p>Lack of guidance and certainty makes it difficult to plan effectively as there are so many scenarios to account for.</p> <p>Potential recruitment issues if staff with EU citizenship leave and are difficult to replace</p> <p><u>Potential</u> implications on service delivery include;</p> <ul style="list-style-type: none"> • Supply chain/ procurement issues • Community Cohesion • Medical provision for SEND residents • Increase in unaccompanied children seeking asylum • NEW: Economic impact on residents (eg price increases) increase pressure on council services • NEW: Civil Unrest 	Probable	Major (20)	<p>Reports to Executive to provide an overview and assessment of the Council's Brexit preparations</p> <p>Weekly consideration of emerging issues by CMT and fortnightly standing item for Member briefings as necessary.</p> <p>Nomination of a named officer for coordination of information on behalf of CMT</p> <p>Review of technical notices provided by Central Government</p> <p>Regular meetings and intelligence gathering with Heads of Service</p> <p>Sharing information on a regional level with the North Yorkshire Local Resilience Forum</p> <p>Engagement with staff that had concerns about the EU settlement Scheme for European Citizens and offer of help through York Learning, Registrars and Citizens' Advice Bureau</p>	Probable	Moderate (15)	New Implications	Ongoing: Regular assessment of the position, based on central government guidance (CMT)

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	Potential financial pressures if Brexit results in an increase in costs			<p>City wide engagement in the form of Brexit City Partner Meetings and email communications</p> <p>Dissemination of information to businesses through the Make it York and Local Enterprise Partnership websites</p> <p>Communication to residents through posters, postcards and social media channels</p> <p>Attendance by Council Officers to government run workshops</p> <p>Central government Brexit funding of £210k over 2 years to aid with Brexit related work, plus additional funding expected shortly</p> <p>No specific supply chain or procurement issues have been identified, although there is a general concern regarding unknown impacts from a number of suppliers and service providers as this is difficult to quantify given the uncertainty and increasing likelihood of a no deal Brexit.</p> <p>A watching brief is being maintained on this and the potential impact on major projects as a number of recently let contracts have required</p>				

**ANNEX A
KEY CORPORATE RISK REGISTER AT M3 2019/20**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				the Council to confirm Contractors are not bearing Brexit risks.				

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Annex B

Analysis of Key Corporate Risk 8, Local Plan

1. This Annex provides a more detailed analysis of KCR8 - Local Plan
2. The description of this risk is as follows: **Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding.** The Council has a statutory duty to develop a Local Plan, a city wide plan, which helps shape the future development in York over the next 20 years. It sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses. The Local Plan is a critical part of helping to grow York's economy, create more job opportunities and address the needs of our increasing population.

Risk Detail

3. **The Council fails to agree and then adopt a Local Plan for the city.** The Council has submitted the Draft Local Plan for Inspection in May 2019, in accordance with a timetable agreed with the Ministry of Housing Communities and Local Government. The production and submission of the Draft Plan represents significant step in reducing the risks associated with the failure to deliver a Local Plan for York. A number of LA's including City Of York Council were identified by central government as not making adequate progress in relation to the preparation of Local Plans. The submission of a Draft Local Plan for Examination (in May 2019) was an important milestone in the plan making process.
4. The draft Local Plan is currently at Examination stage and we are due to commence phase 1 of the Examination hearings on 10 December 2019. The phase 1 hearings cover strategic elements of the Local Plan relating to: housing need and green belt, dependent on the outcomes of phase 1 hearings (an interim Inspectors report is anticipated in Jan/Feb 2020) this will determine the timings of the phase 2 hearings (detailed matters) and ultimately the timing of the adoption of the Local Plan. The Examination hearings are also an important milestone in the plan making process.
5. Since the Draft Local Plan was submitted the two appointed Inspectors have been considering the considerable volume of evidence, information and representations (following extensive public consultation) and are now at the stage of obtaining further evidence from the scheduled hearings in public. They will consider all of the evidence, information and representations before making recommendations on whether the Draft

Local Plan meets legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the associated Regulations and whether it is sound and in accordance with the National Planning Policy Framework. There remains a risk that if the Inspectors found that the Draft Local Plan, as submitted, fails the legal and soundness tests this could result in the Council undertaking further / additional work to rectify any deficiency or in the worst case scenario the Council could be asked “withdraw” the Plan. This would delay the Plan making process.

Implications

6. The implications for the Council include:

- The city continues to have no adopted strategic development plan or framework to guide new development and to shape the city whilst protecting and enhancing the environment and heritage of York. Development proposals which are not in accordance with the Draft Plan may continue to be submitted as planning applications resulting in refusals of planning permission and an increase in planning appeals.
- There may be a negative impact on the council's strategic economic goals and may have an adverse impact on investment in the city until there is an adopted Local Plan which provides greater direction through land use allocations and policies which guide and direct development.
- For some major planning applications which may be supported by the Council the development processes and decision making is slowed down by need to refer application to the Secretary of State for Housing, Communities and Local Government for consideration as to whether a Public Inquiry should be held or not.
- Central government (Ministry of Housing Communities and Local Government) have already identified York as a high priority to produce a Local Plan. The failure to prepare and produce a Local Plan in accordance with the timescale accepted by central government could possibly result in action from the Secretary of State for Communities and Local Government to directly intervene in the plan making process.

Controls

7. Officers have been following national guidance and good practice and taking specialist legal advice throughout the plan making process.
8. Officers have had continued close liaison with: MHCLG, the Planning Advisory Services, the Planning Inspectorate and the two appointed planning inspectors since the Draft Local Plan was submitted for

Examination. Officers have responded positively to requests for additional information, clarification of some details and the request from the planning inspectors for further consultation on evidence before reaching the hearing stage.

9. The Local Plan Working Group (LPWG), the Executive and full Council have all been engaged in the plan making process at appropriate stages and before submission of Draft Local Plan for Examination.

10 Officers have had continued close liaison with neighbouring authorities in relation to the plan proposals and the plan making process / timetable.

Risk Rating

11 Whilst the direction of travel is positive the gross risk score is 20 (likelihood probable, impact major). After applying the controls detailed above the net risk score is reduced to 19 (likelihood possible, impact major)

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KEY CORPORATE RISK REGISTER SUMMARY

Key Corporate Risk	Gross Likelihood	Gross Impact	Gross Score	Net Likelihood	Net Impact	Net Score
KCR1 Financial Pressures	Probable	Major	20	Possible	Moderate	14
KCR2 Governance	Probable	Major	20	Possible	Major	19
KCR3 Effective and Strong Partnerships	Probable	Major	20	Possible	Moderate	14
KCR4 Changing Demographics	Probable	Major	20	Possible	Major	19
KCR5 Safeguarding	Probable	Major	20	Possible	Major	19
KCR6 Health and Wellbeing	Probable	Major	20	Possible	Moderate	14
KCR7 Capital Programme	Probable	Major	20	Possible	Moderate	14
KCR8 Local Plan	Probable	Major	20	Possible	Major	19
KCR9 Communities	Probable	Major	20	Possible	Major	19
KCR10 Workforce/ Capacity	Probable	Major	20	Possible	Moderate	14
KCR11 External Market Conditions	Unlikely	Major	18	Unlikely	Moderate	13
KCR12 Major Incidents	Probable	Catastrophic	24	Possible	Major	19
KCR13 Brexit	Probable	Major	20	Probable	Moderate	15

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Annex D- Risk Matrix

		Impact					Likelihood																						
		Catastrophic	Major	Moderate	Minor	Insignificant																							
17	12	6	2	1	Remote	22	18	13	8	3	Unlikely	23	19	14	9	4	Possible	24	20	15	10	5	Probable	25	21	16	11	7	Highly Probable

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Audit and Governance Committee**4 December 2019****Report of the Interim Assistant Director – Legal and Governance****Information Governance and Complaints****1. Summary**

1.1 This report provides Members with updates in respect of:

- Information governance performance
- ICO decision notices
- Publishing of responses
- LGSCO Complaints from April 2019 to date of this report

2. Information Governance Performance

2.1 The council publishes performance data on timeliness for responding to requests made under Freedom of Information Act (FOI), Environmental Information Regulations (EIR) and Data Protection Act subject access to records requests (SARs), via the York Open Data platform via the below link. The current full performance information for both reporting quarters 1 and 2 (April to June and July to September 2019) are shown in full at Annex 1 and highlighted are the figures which may be of most interest which show that we are making improvements across all areas in timeliness of responses.

<https://data.yorkopendata.org/group/freedom-of-information>

2.2 In response to feedback from previous Committee, Annex 2 shows the performance information for the same reporting periods from previous years for comparison. Further work will be done for the next Committee report to show these in graphical formats and take account of any further feedback on what Committee would want to see included in the performance report.

- 2.3 The Council's performance for responding in time to FOI, EIR and SARs has improved in quarter 2 from quarter 1. We undertook work to understand the fall in the previous quarter and the steps we then took have resulted in this improvement. We will continue to work on ensuring further improvement is made and sustained.
- 2.4 Unfortunately we have not been able to include comparator performance this quarter that is usually included from West Yorkshire and City of York Council legal framework group (WYLAW) as this has not been circulated to us yet.
- 2.5 Efforts were made again recently to ask for performance information from neighbouring local authorities, to include with this report, however at this point, there was no agreement to share that information.

3. ICO decision notices

- 3.1 If someone is unhappy with the response they receive in relation to an FOI, EIR or SAR request, or if they want to raise a complaint under data protection legislation in relation to the rights of individuals, there is an opportunity to seek an internal review and then to complain to the ICO. The ICO publishes their decision notices and these are all available at

<https://icosearch.ico.org.uk/s/search.html?collection=ico-meta&profile=decisions&query&query=&f.By+authority|publicAuthority=City%20of%20York%20Council>

- 3.2 There has been no enforcement notices or monitoring reports for the council by the ICO however there has been one ICO decision notice in Quarter 2. A summary is shown at Annex 3 and the full published report at Annex 3a.
- 3.3 There were no actions the council had to take from this decision notice as we withheld the information requested correctly however we did not advise the requester in the timescale set out by the legislation.

4. Publishing responses

- 4.1 You will recall from the last report to Committee that we had fallen significantly behind in publishing FOI and EIR responses on the

council's website. We have now updated the current website pages with FOI and EIR responses up to and including July 2019.

- 4.2 We are continuing to work with the council's web content team to ensure we are compliant with the new accessibility standards for websites by March 2020 in how we publish responses which is over and above the requirement under the legislation for providing a disclosure log.

5. **Complaints**

- 5.1 The cases where the Local Government and Social Care Ombudsman (LGSCO) have made since April 2019 to the date of this report are shown at Annex 4.
- 5.2 The annex details the decisions and actions recommended by the LGSCO.
- 5.3 The information governance and complaint team continue to work with the Corporate Management Team, Directorate Management Teams as well as with individual service areas to identify areas for improvement or shared learning opportunities.
- 5.4 The annual complaint report covering corporate complaints, adults social care and childrens social care complaints which went to Customer and Corporate Services Scrutiny Management Committee on Monday 11th November 2019 is available for your information at the link below, in the public reports pack, point 5, pages 31 to 74.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=144&MId=11306&Ver=4>

6. **Consultation**

Not relevant for the purpose of this report.

7. **Options**

Not relevant for the purpose of this report.

8. Analysis

Not relevant for the purpose of this report.

9. Council Plan

- 9.1 The council's information governance framework offers assurance to its customers, employees, contractors, partners and other stakeholders that all information, including confidential and personal information, is dealt with in accordance with legislation and regulations and its confidentiality, integrity and availability is appropriately protected.

10. Implications

Relevant implications are set out in the body of the report

11. Risk Management

The council may face financial and reputational risks if the information it holds is not managed and protected effectively. For example, the ICO can currently impose civil monetary penalties up to 20million euros for serious data security breaches. The failure to identify and manage information risks may diminish the council's overall effectiveness. Individual(s) may be at risk of committing criminal offences.

12. Recommendations

Members are asked:

- To note the improved performance levels.
- To note the details contained in this report.

Contact Details

Author:

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Feedback Team Manager
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Chief Officer Responsible for the report:
Suzan Harrington, Interim Assistant
Director – Legal and Governance
Telephone: 01904 554145

Report
Approved

Date 22 November
2019

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Annexes

Annex 1 – Full performance report

Annex 2 – Year on Year comparison performance report

Annex 3 – ICO decision notices for the reporting period – summary

Annex 3a – ICO decision notice for the reporting period – full

Annex 4 – LGSCO decisions – April 2019 to date of this report

Background Information

Not applicable

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Performance April 19 to September 2019

Definition	Q1	Q2
% of ST1 complaints responded to within 5 days	56.10%	77.00%
FOI & EIR - Total Received - (YTD)	455	932
FOI (Freedom of Information) - Total Received - (YTD)	330	682
EIR (Environmental Information Regulations) - Total Received - (YTD)	125	250
FOI & EIR - Total Received	455	477
FOI (Freedom of Information) - Total Received	330	352
EIR (Environmental Information Regulations) - Total Received	125	125
FOI & EIR - In time - (YTD)	366	774
FOI & EIR - % In time - (YTD)	80.40%	83.05%
FOI (Freedom of Information) - In time - (YTD)	258	552
FOI (Freedom of Information) - % In time - (YTD)	78.20%	80.94%
EIR (Environmental Information Regulations) - In time - (YTD)	108	222
EIR (Environmental Information Regulations) - % In time - (YTD)	86.40%	88.80%
FOI & EIR - In time	366	408
FOI & EIR - % In time	80.40%	85.53%
FOI (Freedom of Information) - In time	258	294
FOI (Freedom of Information) - % In time	78.20%	83.52
EIR (Environmental Information Regulations) - In time	108	114
EIR (Environmental Information Regulations) - % In time	86.40%	91.20%
FOI & EIR - Out of time - (YTD)	89	158
FOI & EIR - % Out of time - (YTD)	19.60%	16.95%
FOI (Freedom of Information) - Out of time - (YTD)	72	130
FOI (Freedom of Information) - % Out of time - (YTD)	21.80%	19.06%
EIR (Environmental Information Regulations) - Out of time - (YTD)	17	28
EIR (Environmental Information Regulations) - % Out of time - (YTD)	13.60%	11.20%
FOI & EIR - Out of time	89	69
FOI & EIR - % Out of time	19.60%	14.46%
FOI (Freedom of Information) - Out of time	72	58
FOI (Freedom of Information) - % Out of time	21.80%	16.48%
EIR (Environmental Information Regulations) - Out of time	17	11
EIR (Environmental Information Regulations) - % Out of time	13.60%	8.80%
DP (Data Protection Act) / SAR (Subject Access Request) - Total Received - (YTD)	44	83
DP (Data Protection Act) / SAR (Subject Access Request) - In time - (YTD)	33	65
DP (Data Protection Act) / SAR (Subject Access Request) - % In time - (YTD)	75.00%	78.31%
DP (Data Protection Act) / SAR (Subject Access Request) - Out of time - (YTD)	11	18
DP (Data Protection Act) / SAR (Subject Access Request) - % Out of time - (YTD)	25.00%	21.69%
DP (Data Protection Act) / SAR (Subject Access Request) - Total Received	44	39
DP (Data Protection Act) / SAR (Subject Access Request) - In time	33	32
DP (Data Protection Act) / SAR (Subject Access Request) - % In time	75.00%	82.05%
DP (Data Protection Act) / SAR (Subject Access Request) - Out of time	11	7
DP (Data Protection Act) / SAR (Subject Access Request) - % Out of time	25.00%	17.95%

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	April 17 to March 18	April 18 to March 19	April 19 to March 20		April 17 to March 18	April 18 to March 19	April 19 to March 20
Definition	Q1	Q1	Q1		Q2	Q2	Q2
% of Stage 1 corporate complaints responded to within 5 days	73.20%	-	56.10%		60.97%	49.44%	77.00%
FOI & EIR - Total Received - (Year To Date - YTD)	401	554	455		849	1,057	932
FOI & EIR - % In time – (Year To Date - YTD)	92.50%	92.80%	80.40%		91.64%	92.24%	83.05%
FOI & EIR - % Out of time - (Year To Date - YTD)	7.50%	7.20%	19.60%		8.36%	8.41%	16.95%
Data Protection Act- SAR (Subject Access Request) - Total Received -(Year To Date - YTD)	13	35	44		28	59	83
Data Protection Act - SAR (Subject Access Request) – % In time – (Year To Date - YTD)	84.60%	82.80%	75.00%		85.71%	74.58%	78.31%
Data Protection Act - SAR Subject Access Request – % Out of time – (Year To Date - YTD)	15.40%	17.10%	25.00%		14.28%	25.42%	21.69%

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City of York Council

Decision notice FS50833295 - 30 Sep 2019

The complainant requested from City of York Council (“the Council”) a copy of the advice offered to councillors who sit on the planning committee regarding meeting members of the public. The Council considered the request to be manifestly unreasonable under regulation 12(4)(b) of the EIR.

The Commissioner’s decision is that the Council was correct to refuse the request as manifestly unreasonable under regulation 12(4)(b), and that the balance of the public interest favours the exception being maintained.

However, the Council breached the requirement, under regulation 14(2) of the EIR, to provide its refusal within 20 working days. The Commissioner does not require the Council to take any steps.

EIR 12(4)(b): Complaint not upheld EIR 14(2): Complaint upheld

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Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 30 September 2019

Public Authority: City of York Council

Address: Station Rise

York

YO1 6GA

Decision (including any steps ordered)

1. The complainant requested from City of York Council ("the Council") a copy of the advice offered to councillors who sit on the planning committee regarding meeting members of the public. The Council considered the request to be manifestly unreasonable under regulation 12(4)(b) of the EIR.
2. The Commissioner's decision is that the Council was correct to refuse the request as manifestly unreasonable under regulation 12(4)(b), and that the balance of the public interest favours the exception being maintained. However, the Council breached the requirement, under regulation 14(2) of the EIR, to provide its refusal within 20 working days.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 18 February 2019, the complainant wrote to the Council and requested information in the following terms:

"Can you send me the advice given to [named councillor] referenced in the email below please. Can you also provide me with all formal and informal advice offered to councillors who sit on the planning committee with regard to meeting members of the public".

5. The complainant provided a copy of the email he was referring to, as detailed further on in this notice.
6. The Council responded on 9 May 2019. It refused the request, citing the exception at regulation 12(4)(b) – manifestly unreasonable requests.
7. Following an internal review, the Council wrote to the complainant on a date in June 2019. It upheld its position.

Scope of the case

8. The complainant contacted the Commissioner on 27 March 2019 to complain about the way his request for information had been handled. At this stage, he had not received an initial response to his request.
9. The scope of the case has been to consider whether the Council correctly refused the request as being manifestly unreasonable under regulation 12(4)(b) of the EIR, and the time taken by the Council for compliance with the legislation. The Commissioner has first considered whether the Council was correct to handle the request under the EIR.

Background to the request

10. The request followed an email which was sent from the named councillor to the complainant on 14 February 2019. It stated:

"Thank you for your email with your concerns and your invitation to meet you. Having taken advice I am afraid that I won't take up that invitation. It is not usually appropriate for members of the Planning Committee to meet either applicants or objectors to avoid any charges of bias. It is also important that every member receives the same information before coming to a decision and that clearly would not be the case if we met applicants or objectors separately."

11. The Commissioner understands that the complainant queried this response informally and then received the following email from the councillor on 15 February 2019:

"I have been a member of the Planning Committee for 30 years and Chairman for the last 4. Over the years the advice has always been that meeting developers or objectors outside the formal committee process should be treated with great caution. In this case I spoke to the Ass Director... I have always declined to attend private meetings in order that I am not seen to be biased."

12. This led to the complainant making the request under consideration in this notice.

Reasons for decision

Regulation 2(1) of the EIR – environmental information

13. Regulation 2(1) of the EIR provides the following definition of environmental information:

"...any information in written, visual, aural, electronic or any other material form on-

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements..."

14. It is important to ensure that requests for information are handled under the correct access regime. This is particularly important when refusing to provide information, since the reasons why information can be withheld under FOIA (the exemptions) are different from the reasons why information can be withheld under the EIR (the exceptions). In addition, there are some procedural differences affecting how requests should be handled.
15. The Commissioner has produced guidance¹ to assist public authorities and applicants in identifying environmental information. The

1

https://ico.org.uk/media/fororganisations/documents/1146/eir_what_is_environmental_information.pdf

Commissioner's well-established view is that public authorities should adopt a broad interpretation of environmental information, in line with the purpose expressed in the first recital of the Council Directive 2003/4/EC, which the EIR enact.

16. The Commissioner notes that the request relates to the considerations of councillors who sit on the planning committee, in relation to representations which may be made by members of the public about planning proposals.
17. The Commissioner has considered the request in light of the definition at regulation 2(1). She is satisfied that information relating to whether councillors should meet individual members of the public about planning applications may affect the outcome of those applications, and therefore would be likely to affect the elements and factors of the environment. The Commissioner is therefore satisfied that the information falls within the definition of environmental information at regulation 2(1)(c) of the EIR, and the Commissioner is satisfied that the Council considered the request under the correct access regime.

Regulation 12(4)(b) – manifestly unreasonable requests

18. Regulation 12(4)(b) states that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable.
19. The Commissioner considers that the inclusion of "manifestly" in regulation 12(4)(b) indicates Parliament's intention that, for information to be withheld under the exception, the information request must meet a more stringent test than simply being unreasonable. "Manifestly" means that there must be an obvious or tangible quality to the unreasonableness of complying with the request.
20. As the Commissioner explains in her guidance² on whether the exception may be engaged, regulation 12(4)(b) can be engaged where responding to a request would place a disproportionate burden on the public authority. This may apply either where the request is vexatious, or where the cost of compliance with the request would be too great.

² <https://ico.org.uk/media/for-organisations/documents/1615/manifestly-unreasonable-requests.pdf>

21. In this case, the Council's position is that responding to the request would require an unreasonable diversion of resources away from its core activities, for the reasons set out below.
22. It considers that the request is part of a long-running dispute between the complainant and the Council, which relates to a local planning matter. The Council has explained that the complainant, who had concerns over a specific planning proposal, considered that the Council did not follow its published *Code of Good Practice for Councillors involved in the Planning Process* regarding whether or not councillors should meet with individual members of the public.
23. The Council has explained, and indeed the Commissioner is aware, that this is not the first time that the complainant has asked for information about how councillors on the planning committee should conduct themselves with regard to discussing planning applications with local residents.
24. A previous ICO decision notice, reference FER0759178³, considered whether the Council was correct to refuse, under regulation 12(4)(b), a request from the complainant for "*what rules members of the planning committee adhere to specifically with regard to discussing applications with local residents / affected members of the public*". In that case, the Commissioner's decision was that the exception was engaged and that the balance of the public interest favoured the exception being maintained; that is, that the Council had refused the request correctly.
25. The Council also explained, as it had done in the previous case, that the complainant made a complaint to the Local Government and Social Care Ombudsman (the LGO) that the Council wrongly advised councillors who sat on planning committees that they could not discuss planning applications with residents. He considered that the relevant guidance encouraged dialogue with residents. The LGO, however, found that, while the Council did have a written policy encouraging councillors to be approachable, the Council left the ultimate decision on whether to speak on a particular matter to the councillors themselves. The LGO, in its revised final decision dated 4 September 2018, did not find that the Council was at fault.
26. The Council considers that the request under consideration in this notice relates to the same issue that the complainant raised before, and, for

³ <https://ico.org.uk/media/action-weve-taken/decision-notices/2019/2614711/fer0759178.pdf>

that reason, considers it to be manifestly unreasonable, on the grounds that it would place a disproportionate burden on its resources to respond.

27. The Commissioner has considered whether the exception is engaged. In line with her guidance, referenced previously, when considering whether compliance with a request would place a disproportionate burden on a public authority, she will take into account all the circumstances of the case including:
- the nature of the request and any wider value in the requested information being made publicly available;
 - the importance of any underlying issue to which the request relates, and the extent to which responding to the request would illuminate that issue;
 - the size of the public authority and the resources available to it, including the extent to which the public authority would be distracted from delivering other services; and
 - the context in which the request is made, which may include the burden of responding to other requests on the same subject from the same requester.
28. She notes that the request under consideration in ICO case reference FER0759178, set out in paragraph 24 above, related to a similar issue. In that case, a different councillor had sent an email to the complainant stating that *"I make a rule not to offer any opinion either for or against any recommendation prior to the planning application being heard"*. This email led to the complainant making the request for the *"rules members of the planning committee adhere to"*.
29. The Commissioner considers that the circumstances of that request are very similar to this case. In both cases, the complainant reacted to an email from a councillor declining a personal meeting, by making a freedom of information request: in the earlier case, for the specific *"rules"*, and in this case, for the specific *"advice"* that was being referred to.
30. The Commissioner is aware that the complainant considers his request to have value and merit for two reasons.
31. First, he considers it to be a matter of importance if councillors are misleading the public about whether or not they are allowed to meet with them. He considers that if the councillors are inventing having received advice, this should be declared publicly.

32. With regard to this, however, the Commissioner notes that the complainant will seize on an ordinary turn of phrase such as those written in the councillors' emails ("*I make a rule*", "*Having taken advice*") and use it as a basis for an information request, when, in fact, he is likely to be aware that these phrases do not necessarily imply that recorded information is held. This issue was explored in the earlier decision notice.
33. In this case, the relevant councillor had explained in her email of 15 February 2019, set out in paragraph 11 of this notice, that she had "*spoken to*" the Assistant Director about whether or not she should meet him. This was before the date of the request.
34. In addition, in the Commissioner's view, in stating "*over the years the advice has always been that meeting developers or objectors outside the formal committee process should be treated with great caution*" the councillor is likely to be describing general practice rather than referring to any specific, recorded guidance.
35. This strongly suggests to the Commissioner that the complainant could have anticipated that no recorded information was likely to be held, which has similarities with case reference FER0759178, where the Council suggested that the complainant would already know that there were no written "*rules*".
36. In considering whether regulation 12(4)(b) is engaged, the Commissioner is not, as such, required to determine whether or not any relevant recorded information is held. However, in this case it is relevant that the Council considers that it is disproportionate for it to respond to the request when the complainant is likely to be aware that there is no recorded information that it could provide.
37. The complainant's second area of concern is that he considers it to be a matter of importance if the Council is issuing advice, or rules, to its councillors which are not in line with its published guidance and/or codes of practice.
38. However, the Commissioner notes that the Council's position on this matter was clarified, prior to the date of the request, by the LGO in its decision, which established that the Council leaves the final decision on this matter to the individual councillors.
39. The Commissioner considers that the complainant is using freedom of information legislation as a means to try to expose failings in at the Council, due to his own personal dissatisfaction with the handling of objections to the planning application.

40. The Commissioner acknowledges that the complainant has concerns that the Council is not following its own policies with regard to councillors being approachable. However, the role of the Information Commissioner is not to adjudicate in matters regarding the Council's general conduct or approach. She is concerned only with its adherence to the provisions of the relevant legislation; in this case, whether it correctly considered the request to be manifestly unreasonable.
41. The Commissioner is satisfied that, due to the nature of the request, the underlying issues to which the request relates and the extent to which responding to the request would illuminate that issue, and the context in which the request was made, the request is manifestly unreasonable. The exception at regulation 12(4)(b) is therefore engaged.
42. The EIR explicitly require a public authority to apply a public interest test (in accordance with regulation 12(1)(b)) before deciding whether to maintain the exception. The Commissioner has therefore gone on to consider the balance of the public interest in this case.

The balance of the public interest

43. Since the request has been found to be manifestly unreasonable, the Commissioner has considered whether the balance of the public interest favours the request being responded to, or not. Responding to the request would mean that that the Council would have to consider whether it held information falling within its scope in order to comply with its obligations under regulation 5(1) of the EIR, which states that "*a public authority that holds environmental information shall make it available on request*" subject to any further exception which may apply.
44. The complainant has stated that his request is "*pivotal and vital to acceptable planning policy*". He considers that there is "*strong evidence*" that the Council is advising councillors not to meet with members of the public, in which case the advice should be made public; or, if the councillors are inventing having received advice, this should be declared publicly.
45. He himself has drawn a comparison with the case he brought separately to the ICO, referenced previously in this notice (reference FER0759178). He stated that he fears that the reference to "*advice*" in this case is invented, as indeed he states the reference to "*rules*" had been in the previous case. He considers that if there is no advice, the councillors must be misleading the public about their reasons for refusing to meet with individuals. Alternately, if the advice exists, he considers that "*such advice would appear to be contradictory to all local and national guidelines*" and moreover "*would suggest that the Council may not have been entirely honest in their previous reply*".

46. There is always an inherent public interest in public authorities being open and transparent in the way in which they conduct public business. However, the Commissioner does not consider in this case that there is evidence of the Council not being transparent. Considering the planning process as a whole, it was possible for members of the public to attend meetings about the planning application, and to make representations via the usual consultation process.
47. With regard to the specific issues in this case, the Council presented its case to the LGO about its approach to councillors meeting with individual members of the public, before the date of the request. In addition, councillors acknowledged to the complainant that their usual position is not to meet privately with individuals; they were evidently happy to state this openly in correspondence. The LGO addressed these issues and, in its publicly-available decision, did not find fault.
48. In the Commissioner's view, responding to the request would not shed further light on these issues which have already been addressed by the LGO and responded to by the councillors themselves in their emails.
49. The Commissioner agrees with the Council that the complainant has "*exercised appropriate routes for the provision of comprehensive independent scrutiny related to the Council's actions*" and therefore she does not consider that there is sufficient purpose and value in the request to justify the diversion of Council resources away from its everyday tasks.
50. She considers that responding would place a burden on the Council which was disproportionate to the value of the request.
51. She therefore considers that the balance of public interest lies in the Council not being diverted away from its core responsibilities and has determined that the exception should be maintained.

Regulation 14(2) – refusal to disclose information

52. Regulation 14(2) of the EIR states that if a request for environmental information is refused by a public authority, the refusal shall be made "*as soon as possible and no later than 20 working days after the date of receipt of the request*".
53. From the evidence available in this case, it is clear that the Council failed to provide its refusal within 20 working days and has therefore breached regulation 14(2). The Commissioner does not require any remedial steps to be taken in respect of this.

Right of appeal

54. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

55. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
56. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

**Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

LGSCO Ref	Service Area	Directorate	Summary of Final Decision	Actions	Date of Final Decision	Actions Complete	Actions/remedies completed in time y/n	Decision
18013230	Planning and Environment	EAP	Mr X complained the Council failed to notify him about a neighbour's planning application. He also complained the Council took too long to respond to his complaint about the matter and gave him inaccurate information. We cannot say whether the Council sent a notification letter to Mr X's property. It appropriately considered the impact of the development on residential amenity. It unacceptably delayed responding to his complaint causing him frustration. It has apologised to him for this. This is sufficient to remedy the injustice caused.	Apology already issued.	24/04/2019	Yes	Yes	Upheld: Malad, No Injustice
18009620	Mental Health/Safeguarding	HHASC	The Ombudsmen will not investigate a complaint about the care the complainants' son received in supporting living. The complaint is late and there are insufficient grounds to accept it now.	Case closed	02/05/2019	N/A	N/A	Closed after initial enquiries - No further action

18010841	Planning and Environment	EAP	There was fault in the time it was taking the Council to make an order on Mr X's application to change the rights of way map. The Council agreed to apologise to Mr X and pay him £250 in recognition of the avoidable distress and uncertainty caused by its delay. The Council also agreed to review its rights of way of service with the aim of reducing its backlog of applications.	<ul style="list-style-type: none"> • To write to Mr X to apologise for both its delay in making an order on his DMMO application and the frustration caused by its failure to provide a reasonable timescale for carrying out the Secretary of State's direction. • To pay Mr X £250 in recognition of the avoidable distress caused by the delay and continuing uncertainty about the legal existence of the claimed right of way. • Start and finish a review of the DMMO service with the aim of reducing the DMMO backlog. (Such review could include consideration of current staffing levels, work practices, policies and procedures and how other local authorities have dealt with similar backlogs.) 	09/05/2019	Yes	Yes	Upheld: Malad & Injustice
19003573	Housing registrations	HHASC	Miss X complained about the Council's assessment of her housing application. The Ombudsman should not investigate this complaint. This is because there is	Case Closed	11/07/2019		N/A	Closed after initial enquiries - No further action

			insufficient evidence of fault on the Council's part which would warrant an investigation.					
19003226	Transport	EAP	The Ombudsman will not investigate this complaint about the Council's response to the complainant's suggestion it should create a mini roundabout. It is unlikely he would find fault by the Council had caused the complainant significant injustice.	Case Closed	17/07/2019		N/A	Closed after initial enquiries - No further action
19003108	Finance	CSS	The Ombudsman will not investigate Mrs A's complaint that the Council has failed to include all her son's, Mr B's, Disability Related Expenditure (DRE) in his financial assessment. This is because there is no evidence of fault having caused a significant enough injustice to Mr B warranting an Ombudsman investigation.	Case Closed	22/07/2019		N/A	Closed after initial enquiries - No further action

18008246	Children's safeguarding	CSS	Ms X complained about the Council's investigation into its handling of a single assessment it carried out on her and her child, A, in 2016. The Council was at fault. The Statutory investigation found it failed to provide Ms X with a copy of the single assessment until 2018 and failed to adequately respond to her stage 1 complaints. The Council also failed to adequately respond to Ms X's request for counselling and therapy for A. The Council agreed to apologise and pay Ms X a total of £400 to recognise the upset, frustration and avoidable time and trouble caused by its failings.	Payment and apology made	25/07/2019	15/08/2019	Yes	Upheld maladministration & injustice
18016098	Adult Finance	HHASC	We do not uphold Mr and Mrs X's complaint about their care charges.	Case Closed	09/08/2019		N/A	Not upheld; No malad
18019666	Waste	EAP	Ms X complained the Council's assisted collection scheme repeatedly failed to collect her recycling bin and did not always return the bin to the right place. The Ombudsman found the Council was at fault.	Pay Ms X £100, to remedy her avoidable time and trouble in having to repeatedly report missed bin collections to the Council.	16/08/2019	Yes	Yes	Upheld maladministration & injustice

19006721	Council Tax	CCS	Mr X complains about the Council's decision to increase council tax.	The Ombudsman will not investigate this complaint because this has affected all or most of the population of the Council area.	12/09/2019	N/A	N/A	Closed after initial enquiries - No further action
19002158	Planning and Environment	EAP	Mrs X complains about the Council's refusal to take planning enforcement action against her neighbour.	The Ombudsman will not investigate this complaint because there is no evidence of fault by the Council.	12/09/2019	N/A	N/A	Closed after initial enquiries - No further action
18019661	Housing Repairs	HHASC	There were delays in the Council assessing Mrs X's needs and the layout of her shower room. The Council should write to Mrs X to apologise.	Issue letter of apology to Mrs X	23/09/2019			Upheld: Malad & Injustice
19004193	Adult Finance	HHASC	Mrs X complains the Council failed to properly consider the law and guidance when deciding Mrs W deliberately deprived herself of capital to avoid care charges. The Council's decision is not fully in line with the guidance, which means it is flawed and this causes injustice as it is in doubt. The Council needs to reconsider its decision.	Within four weeks reconsiders its decision on the deprivation of Mrs W's capital, addressing all the questions in the Care and Support Statutory Guidance. While the council believes it has already followed appropriate procedures for reaching its conclusions about whether the individual had a reasonable expectation of having to contribute towards the costs of Mrs W's eligible care needs, it has	15/10/2019	Yes	Yes	Upheld maladministration & injustice

				agreed to reconsider its decision.				
19005054	Planning and Environment	EAP	Miss B complains about the Council's decision to grant planning permission for a dormer extension to her neighbour's property. Miss B says her property is now overlooked. We find the Council's decision was not affected by fault. The Council was entitled to consider what could be built under permitted development rules. Also, the Council's assessment that part of the proposal was permitted development was not affected by fault. We have completed our investigation.	Case Closed	25/10/2019	N/A	N/A	Not upheld; No malad

18017550	Education & Adults social Care	CSS & HHASC	<p>Mrs X complained the Council had failed to plan ahead for her daughter, Miss Z's transition in support from children to adult social care support. She complained it has failed to support her and her husband adequately as carers. The Council unacceptably delayed work to prepare for Miss Z's adulthood. It also failed to effectively assess Mr and Mrs X's needs as carers. It has agreed to apologise, assess Mr and Mrs X as carers, review practice between service areas and pay Miss Z £200 as a token remedy.</p>	<p>Within one month of my final decision the Council has agreed to:</p> <ul style="list-style-type: none"> • Pay Miss Z £200 as a token recognition of distress caused to her by its delays in transition planning. • Apologise to Mr and Mrs X for not properly considering, assessing and planning to meet their needs as Miss Z's carers • Carry out a full carers' assessment of Mr and Mrs X, and develop a carer support plan for them that meets any identified care needs. Review the adequacy of financial support for Mr and Mrs X. Clarify with them how this can be used, ensuring it sets out this advice and agreement in writing. <p>76. Within three months of my final decision the Council has agreed to develop a joint action plan between adult and children's services to explain how it will improve its practice to plan ahead for</p>	06/11/2019			Upheld maladministration & injustice
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transitions, learning from this complaint.
77. This review should also ensure the Council keeps adequate records of when it sends key documents (for example assessments and care plans) to persons concerned. It will provide the action plan to the Ombudsman and to Mr and Mrs X.

18019945	Adults	HHASC	<p>Mrs B complains on behalf of Mrs C that the Council did not properly manage a personal assistant it employed for Mrs C or properly conduct financial assessments in relation to Mrs C. The Council was at fault in the way the personal assistant service was managed after it took responsibility for it. Mrs C lost money as a result. The Council should review its procedures to ensure it properly documents and reviews services.</p>	<p>Review its procedures to ensure that where the Council commissions services to replace those that have been privately arranged, it:</p> <ol style="list-style-type: none"> 1. holds a contract or service level agreement that clearly states the services that are being provided; and 2. a review of those commissioned services is carried out as soon as practicable to ensure they are being delivered appropriately and according to the contract or service level agreement. 	08/11/2019			Upheld: Malad & Injustice
19004658	Waste	EAP	<p>The Council missed several recycling waste collections at the complainant's property, which is fault and a minor injustice. However, the Council has taken steps to resolve the problem, and there is no evidence it is endemic or ongoing. The Ombudsman has therefore completed his investigation.</p>		19/11/2019	N/A	N/A	Upheld: Malad & Injustice

18018543	Waste	EAP	Mr X complains about the way the Council dealt with his purchase of a second garden waste bin. The Ombudsman will not investigate this complaint. This is because the Council has confirmed it intends to provide a reasonable remedy.	Case closed	29/04/2019	N/A	N/A	Closed after initial enquiries - No further action
19009117	Planning and Environment	EAP	Miss X complains the Council certified work undertaken by the previous owner of her home as being compliant with building regulations, even though the work was unsafe. She says it is refusing to address the matter and its actions have caused her a lot of stress and anxiety. In addition, she says she has spent a significant amount of money rectifying the work and wants the Council to reimburse her the costs she has incurred. The Ombudsman will not investigate this complaint. This is because we cannot achieve the outcome that Miss X wants if we were to investigate her concerns and find the Council was at fault.	Case closed	14/10/2019	N/A	N/A	Closed after initial enquiries - No further action

19010671	Parking	EAP	The Ombudsman will not investigate this complaint that the complainant was unable to contest 18 penalty charge notices because they were sent to and paid by the lease car company, or the complainant's concerns about the Council's response to his subsequent enquiries. It is unlikely we would find fault in the Council's handling of the enforcement process, and the alleged fault in the Council's subsequent communications has not caused a significant injustice.	Case closed	22/11/2019	N/A	N/A	Closed after initial enquiries - No further action
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Audit and Governance Committee

4 December 2019

Report of the Corporate Finance & Commercial Procurement Manager
(Interim S151 officer)

Mazars Audit Update Report**Summary**

1. The paper attached at Annex A from Mazars, the Council's external auditors, reports on progress in delivering their responsibilities as auditors.

Background

2. The report covers:
 - a) A summary of audit progress
 - b) National Publications

Consultation

3. The Plan has been consulted on with the relevant responsible officers within the Customer & Corporate Services Directorate prior to it being reported to those members charged with governance at the council.

Options

4. Not relevant for the purpose of the report.

Analysis

5. Not relevant for the purpose of the report.

Council Plan

6. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

Implications

7. There are no implications to this report.

Risk Management

8. Not relevant for the purpose of the report

Recommendations

9. Members are asked to:

Note the matters set out in the Progress report presented by Mazars;

Reason

To ensure Members are aware of Mazars progress in delivering their responsibilities as external auditors.

Contact Details

Author:

Emma Audrain
Technical Accountant
Corporate Finance

Chief Officer Responsible for the report:

Debbie Mitchell
Corporate Finance & Commercial
Procurement Manager (Interim S151 officer)

**Report
Approved**



Date 25/11/19

Specialist Implications Officers

None

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Mazars CYC Audit Update Report December 2019

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Audit progress report

City of York Council

December 2019





CONTENTS

- 1. Audit progress**
- 2. National publications**

This document is to be regarded as confidential by City of York Council. It has been prepared for the sole use of the Audit and Governance Committee. No responsibility is accepted to any other person in respect of the whole or part of its contents. Our written consent must first be obtained before this document, or any part of it, is disclosed to a third party.

1. AUDIT PROGRESS

Purpose of this report

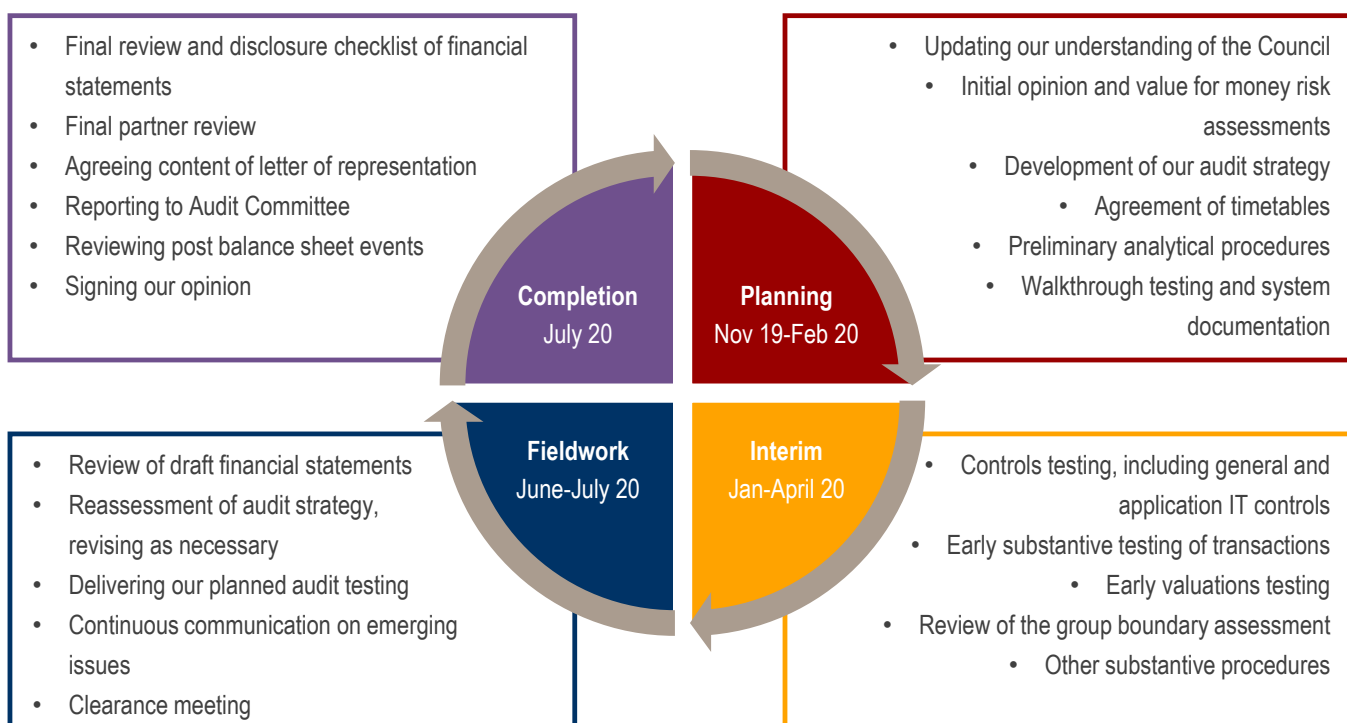
This report provides the Audit and Governance Committee with an update on progress in delivering our responsibilities as your external auditor.

Audit progress

Our key audit stages are summarised in the diagram shown below.

We are currently at the planning stage. The outcome of this work will be communicated in our Audit Strategy Memorandum. We intend to present the Audit Strategy Memorandum for 2019/20 to the February 2020 Audit Committee.

There are no significant matters arising from our audit work that we are required to report to you at this stage.



1. AUDIT PROGRESS - CONTINUED

2018/19 Teachers' Pension Return

The Council has engaged Mazars as Reporting Accountant to complete an agreed upon procedures engagement. The proposed fee for this work is £5,000 (plus VAT). At the time of drafting this report we have substantially completed the required procedures set out in the TP05 Reporting Accountant Guidance (dated 12 June 2019) and aim to finalise our agreed upon procedures report by the 29 November 2019 deadline.

2018/19 Housing Benefits subsidy assurance

This an 'agreed upon procedures' assurance engagement in respect of the Council's annual subsidy claim to the Department of Work and Pensions (DWP) for housing benefits, as detailed in guidance issued by the DWP "Housing Benefits Assurance Process" (HBAP). The Council has engaged Mazars as Reporting Accountant for the 2018/19 return. The proposed fee for this work is £11,500 (plus VAT).

The purpose of the engagement is to perform the specific test requirements determined by the DWP on the defined sample basis. The relevant requirements are set out in the Modules of the HBAP reporting framework and we report the results of those procedures to the Council and the DWP. The guidance is made available on the government's website:

<https://www.gov.uk/government/publications/housing-benefit-assurance-process-hbap>

The value of the subsidy claimed in 2018/19 is £31,284,642. This is split between different benefit types:

- Rent rebates - £13,456,398; and
- Rent Allowance - £17,412,585;

The subsidy claimed also includes £416,507 of administration subsidy less £848 of prior year uncashed payments.

The work is split into:

- agreement of the subsidy claim to supporting working papers;
- initial testing (specified sample sizes);
- extended testing (described as "40+" or 'CAKE – Cumulative Knowledge and Experience' testing where there are errors arising or anticipated based on the prior year); and
- reporting of results, including extrapolated errors, to DWP who then assess whether there will be any loss of subsidy.

At the time of writing this progress report, our work was underway and we planned to provide our agreed upon procedures report to the DWP by the 30 November 2019 deadline.

**A verbal update will be provided to the Audit and Governance committee in December.*

2. NATIONAL PUBLICATIONS

	Publication/update	Key points
National Audit Office (NAO)		
1.	Consultation – new Code of Audit Practice from 2020	Second stage of consultation to take place in the second half of 2019. New Code to take effect from 2020/21.
2.	Exiting the EU: supplying the health and social care sectors	The report considers the Department of Health & Social Care's progress in implementing its Continuity of Supply Programme.
3.	Support for pupils with special educational needs and disabilities in England	This report assesses how well pupils with SEND are being supported.
Local Government Association		
4.	Spending Round 2019: on the day briefing	Briefing on the latest spending round.
5.	A Councillor's guide to digital connectivity, LGA	Key information for Councillors.
6.	Reaching out, Local Government Association	Loneliness policy context and consideration of effective local delivery models.
Housing, Communities and Local Government Select Committee		
6.	Government response to the Housing, Communities and Local Government Select Committee report 'Local Government Finance and the 2019 Spending Review'	

2. NATIONAL PUBLICATIONS

1. Consultation – new Code of Audit Practice from 2020, NAO, May 2019

Schedule 6 of the Act requires that the Code be reviewed, and revisions considered at least every five years. The current Code came into force on 1 April 2015, and the maximum five-year lifespan of the Code means it now needs to be reviewed and a new Code laid in Parliament in time for it to come in to force no later than 1 April 2020.

The consultation is taking place in two stages. The first has concluded and the second will be undertaken in the second half of 2019. The NAO plans to consult on the draft Code text during late summer/autumn and then finalise the Code by the end of 2019, ready to be laid in Parliament early in 2020. The new Code will apply from audits of local bodies' 2020/21 financial statements onwards.

The first stage of the consultation showed broad support for maintaining the principles-based nature of the Code, being the wider scope of public audit, independence and public reporting. However the responses highlighted that this should be supported by more detailed sector-specific guidance.

Value for money arrangements

The 2014 Act places a specific duty on the local auditor to be satisfied whether the body they are auditing has proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources. In the current Code, this is referred to as work on arrangements to secure value for money (VFM arrangements).

Currently, the auditor reports against a single overall criterion as to whether: "In all significant respects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people."

There were three common issues identified, namely:

- financial sustainability;
- financial governance; and
- wider partnership working.

The NAO plans to consider how the auditor should report their findings on the adequacy of arrangements, and whether this should be replaced, or supplemented, by a commentary on the specified risks set out in auditor guidance.

<https://www.nao.org.uk/code-audit-practice/about-code/>

2. Exiting the EU: supplying the health and social care sectors, NAO, September 2019

In December 2018 the Department of Health & Social Care (the Department) brought all its preparations for maintaining supplies in the event of a 'no-deal' EU exit under a single Continuity of Supply Programme. The programme's objective is "to safeguard patient care and to ensure that the supply of medicines and medical products remains unhindered in a no-deal scenario". The NAO report examines the progress the Department has made in implementing the Programme.

<https://www.nao.org.uk/report/exiting-the-eu-supplying-the-health-and-social-care-sectors/>

2. NATIONAL PUBLICATIONS

3. Support for pupils with special educational needs and disabilities in England, NAO, September 2019.

This report assesses how well pupils with SEND are being supported. In particular the NAO examined:

- the system for supporting pupils with SEND and the outcomes it is achieving;
- funding, spending and financial sustainability; and
- the quality of support and experiences of pupils and parents.

One of the reports findings is that the system for supporting pupils with SEND is not, on current trends, financially sustainable. Many local authorities are failing to live within their high-needs budgets and meet the demand for support. Pressures – such as incentives for mainstream schools to be less inclusive, increased demand for special school places, growing use of independent schools and reductions in per-pupil funding – are making the system less, rather than more, sustainable. The report states the Department needs to act urgently to secure the improvements in quality and sustainability that are needed to achieve value for money.

<https://www.nao.org.uk/report/support-for-pupils-with-special-educational-needs-and-disabilities/>

4. Spending Round 2019: on the day briefing, Local Government Association, September 2019

Briefing issued by LGA in early September.

Key messages

- The 2019 Spending Round has provided councils with much of the funding certainty and stability they need for next year. The Chancellor has announced a funding package of more than £3.5 billion for vital council services. This is the biggest year on year real terms increase in spending power for local government in a decade. This funding will allow councils to meet the increase in cost and demand pressures they face in 2020/21, which we assess as amounting to £2.6 billion.
- We are pleased the Government has responded to our calls and provided desperately-needed new money, including £1 billion for social care and £700 million for children and young people with special educational needs and disabilities. The Chancellor confirmed that key grants to local government will also continue next year.
- With this investment councils will be better able to ensure older and disabled people can live the lives they want to lead. Councils will also be better able to support our most vulnerable young people, and to continue to improve their local areas.

<https://www.local.gov.uk/parliament/briefings-and-responses/spending-round-2019-day-briefing>

5. A Councillor's guide to digital connectivity, Local Government Association.

This guide is structured to provide councillors with key information on digital connectivity. It explores the main issues and challenges facing local area.

<https://www.local.gov.uk/councillors-guide-digital-connectivity-0>

6. Reaching out, Local Government Association.

This guide outlines the current loneliness policy context, uses a range of case studies to demonstrate effective local delivery models working in practice, and provides useful checklists and tips on how to measure and evaluate outputs.

<https://www.local.gov.uk/reaching-out>

2. NATIONAL PUBLICATIONS

7. The government's response to the report on Local Government Finance and the 2019 Spending Review, October 2019

The Government has responded to the Housing, Communities and Local Government Select Committee report on Local Government Finance and the 2019 Spending Review. In the report, the Government covers the decision to undertake a review of local government audit. The government also responds to several other recommendations from the Select Committee's original report, including:

- developing a more consistent approach to the collection and monitoring of comparative data about councils' performance, efficiency and financial sustainability;
- the need for MHCLG, working with HM Treasury and other departments, to clearly set out what tasks are expected of local government and how much funding it requires;
- the need for increased adult social care funding;
- the need for MHCLG and HM Treasury to provide a multi-year settlement for local government which runs for one year beyond the Spending Review period – similar to the approach that is currently used for Departmental capital budgets; and
- the need for reforms and substantial changes to the business rate retention system.

<https://www.gov.uk/government/publications/local-government-finance-and-the-2019-spending-review-response-to-the-select-committee-report>

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Executive**28 November 2019**

Report of the Head of Corporate Finance and Commercial Procurement
(interim s 151 officer)

Portfolio of the Executive Member for Finance and Performance

**Treasury Management Mid-Year Review and Prudential Indicators
2019/20****Summary**

1. The Council is required through legislation to provide members with a mid-year update on treasury management activities. This report provides an update on activity for the period 1 April 2019 to 30 September 2019.

Recommendations

2. Members are required, in accordance with the Local Government Act 2003 (revised), to:
 - Note the Treasury Management activities to date in 2019/20
 - Note the Prudential Indicators set out at Annex A and note the compliance with all indicators.

Reason: to ensure the continued performance of the Council's Treasury Management function.

Background

3. The Treasury Management function is responsible for the effective management of the Council's investments, cash flows, banking, and money market transactions. It also considers the effective control of the risks associated with those activities and ensures optimum performance within those risk parameters.
4. This mid-year report has been prepared in compliance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) CIPFA's Code of Practice on Treasury Management, and covers the following:
 - An economic update for the first part of the 2019/20 financial year;
 - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
 - The prudential indicators;

- A review of the Council's investment portfolio;
- A review of the Council's borrowing strategy;
- A review of compliance with the Treasury and Prudential Limits.

Interest Rate Forecast

5. Table 1 is Link Asset Services Interest Rate forecast for both the bank rate and long term Public Works Loans Board borrowing rates (note all figures are percentages):

	Dec 19	Mar 20	Jun 20	Sep 20	Dec 20	Mar 21	Jun 21	Sep 21	Dec 21	Mar 22
Bank Rate	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00	1.25
5 Yr PWLB rate	2.30	2.50	2.60	2.70	2.70	2.80	2.90	3.00	3.00	3.10
10 Yr PWLB rate	2.60	2.80	2.90	3.00	3.00	3.10	3.20	3.30	3.30	3.40
25 Yr PWLB rate	3.30	3.40	3.50	3.60	3.70	3.70	3.80	3.90	4.00	4.00
50 Yr PWLB rate	3.20	3.30	3.40	3.50	3.60	3.60	3.70	3.80	3.90	3.90

Table 1: Link Asset Services Interest Rate Forecast (%)

6. The Monetary Policy Committee has left Bank Rate unchanged at 0.75% so far in 2019.

Annual Investment Strategy Update

7. Council approved the Treasury Management Strategy Statement for 2019/20 on 28 February 2019. There are no policy changes and the details in this report do not amend the Statement.
8. The Council's Annual Investment Strategy, which is incorporated in the Strategy, outlines the Council's investment priorities as follows:
- security of capital
 - liquidity
 - yield

9. The Council continues to aim to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity and the Council's risk appetite.

Investment Portfolio

10. The average level of cash balances available for investment purposes in the first 6 months of 2019/20 was £61.336m (£92.174m for the same 6 month period in 18/19). The level of cash balances available is largely dependent on the timing of the Council's cash flow as a result of precept payments, receipt of grants, receipt of developers contributions, borrowing for capital purposes, payments to its suppliers of goods and services and spend progress on the Capital Programme. These funds are therefore only available on a temporary basis depending on cash flow movement.
11. The average level of cash balances has decreased compared to a year ago due to a number of factors. These include a number of delayed capital schemes now-progressing.
12. The Council continues to use cash balances instead of taking long term debt to finance the Council's capital programme. This strategy remains a prudent one as investment rates continue to be lower than borrowing rates when viewed on a short term projection but the potential to secure long term funding is kept under review to ensure this remains the most effective use of cash balances, given long term rates are currently at attractive levels. As cash balances are set to decrease in the short to medium term, due to previously agreed capital schemes progressing and new schemes being added to the capital programme, consideration is being given to long term debt in order to finance the Council's capital programme.
13. Investment return (calculated as the amount of interest earned against the average cash balance for the period) during the first six months of 2019/20 is shown in table 2:

	2018/19 (full year)	2019/20 (part year to date)
Average CYC Rate of Return	0.69	0.82
<u>Benchmarks</u>		
Average 7 Day LIBID	0.51	0.57
Average 1 Month LIBID	0.68	0.60

Table 2: CYCs investment rate of return performance vs. benchmarks

14. The average rate of return achieved to date in 2019/20 has increased compared to the average seen in 2018/19, helped by the effect of the increase in Bank Rate midway through 2018 and the Council securing higher yielding fixed term investments when cash balances have allowed.
15. It remains a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates continue to be very low and in line with the current 0.75% Bank Rate. Given that increases in Bank Rate are likely to be gradual and unlikely to return to the levels seen in previous decades, investment returns are likely to remain low.
16. Figure 1 shows the interest rates available on the market based on LIBID rates between 7 days and 1 year and also the rate of return that the Council has achieved for the first six months of 2019/20. It shows that favourable / competitive interest rates have been obtained for investments whilst ensuring the required liquidity and security of funds for the Council.

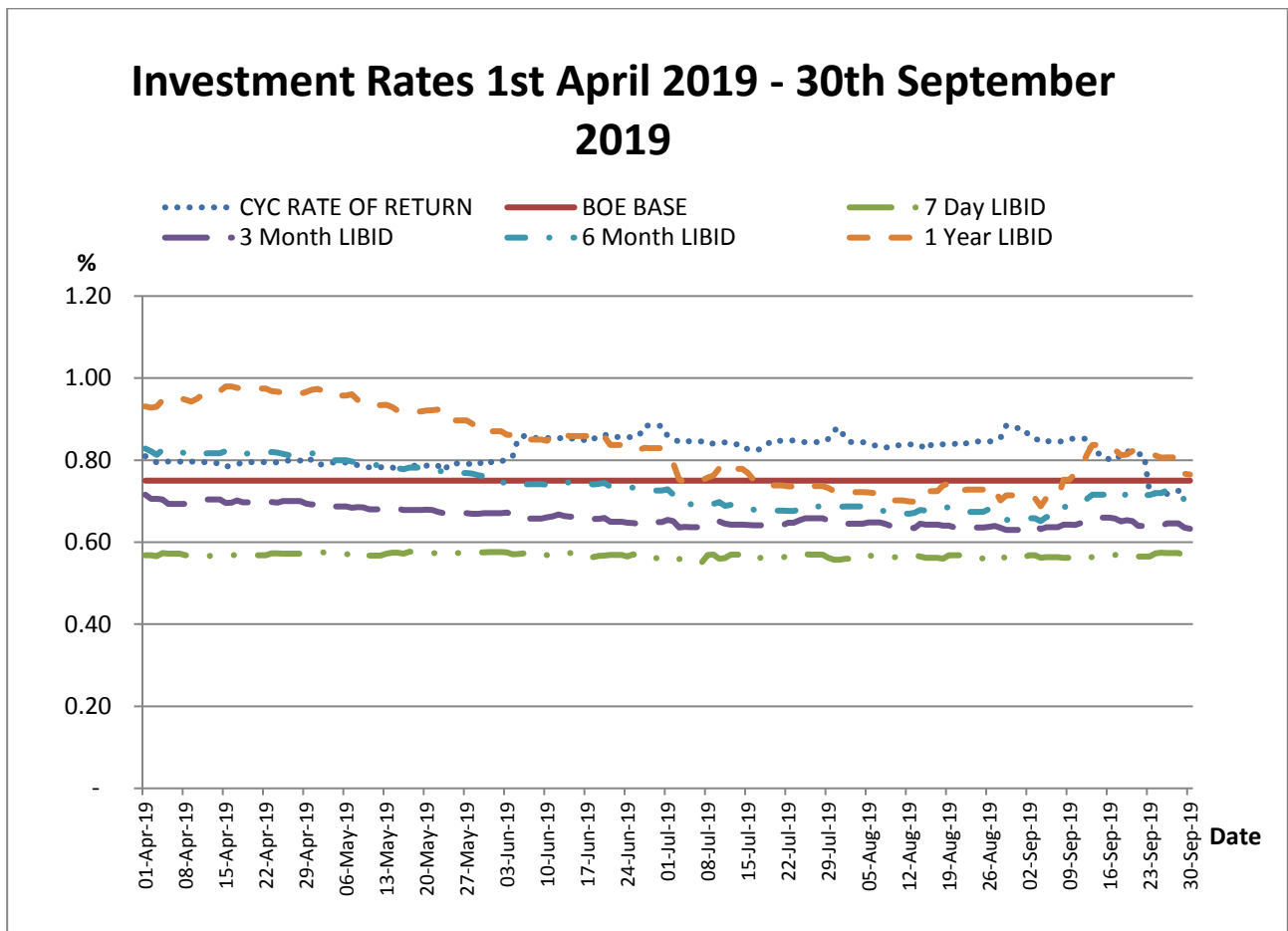


Figure 1 CYC Investments vs Money Market Rates up to 30th September 2019

17. Figure 2 shows the investments portfolio split by cash in bank, deposits in short term call accounts, fixed term investments and money market funds (MMFs).

18. All of the money market funds have an AAA credit rating and the current account is AA-.

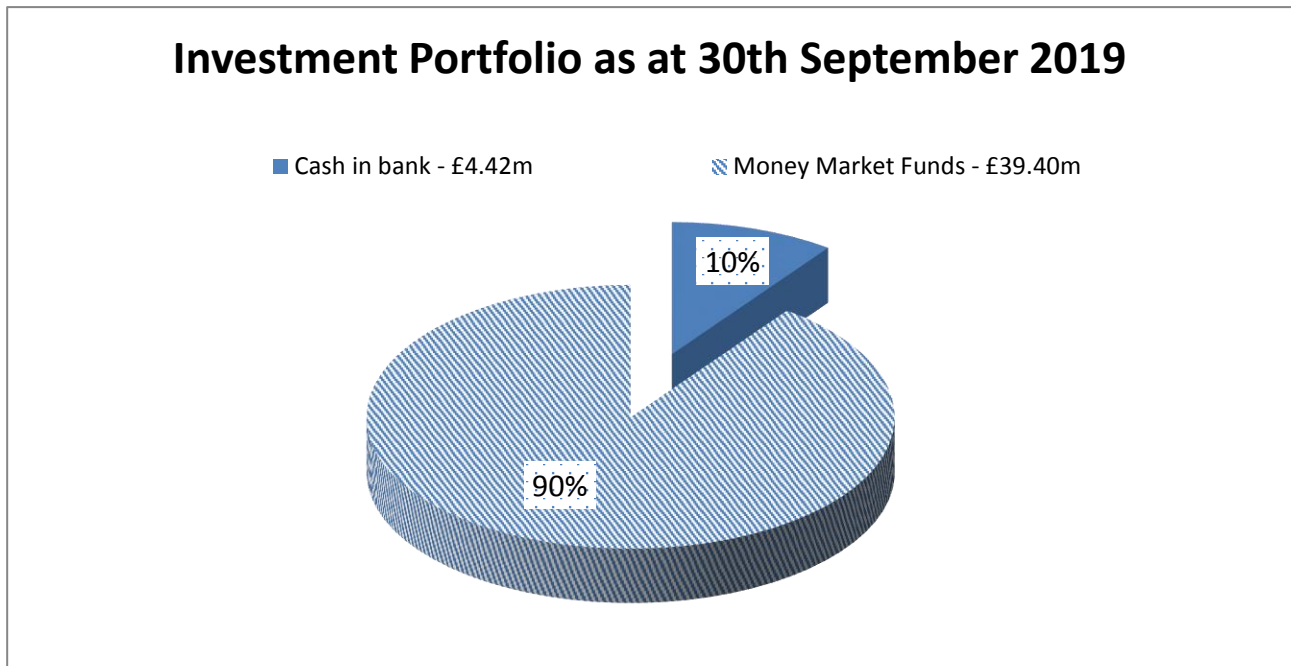


Figure 2 Investment Portfolio by type at 30th September 2019

Borrowing Portfolio

19. The Council undertakes long term borrowing in accordance with the investment requirements of the capital programme and all borrowing is therefore secured for the purpose of its asset base.
20. The level of borrowing taken by the Council is determined by the Capital Financing Requirement (the Councils underlying need to borrow for capital expenditure purposes). Borrowing needs to be affordable, sustainable and prudent.
21. Under regulation, the Council can borrow in advance of need and Markets are therefore constantly monitored and analysed to ensure that advantage is taken of favourable rates and the increased borrowing requirement is not as dependant on interest rates in any one year.
22. On the reverse side, the Council's level of borrowing can also be below the Capital Financing Requirement. This would mean that instead of increasing the Council's level of borrowing, surplus funds held for investment purposes would be utilised. In the current interest rate environment, where investment rates on holding investments are significantly below borrowing rates, consideration is given to the value of taking borrowing or whether it is better for the council to keep investment balances lower.

23. The finance team continues to closely monitor the opportunities that arise and receive daily updates from Link Asset Services in respect of borrowing timings and amounts. No new loans have been taken during this period.
24. The Councils long-term borrowing started the year at a level of £242.465m. On 12th August 2019 a £3m PWLB loan was repaid taking the Councils long-term borrowing figure to £239.465m. A further £3m PWLB loan repayment will be made on 8th October 2019 taking the Councils long-term borrowing figure to £236.465m. The Housing Revenue Account settlement debt amounts to 58% of the borrowing portfolio (£139.034m) and the General Fund debt is 42% (£100.431m).
25. On 9 October 2019, the Treasury and PWLB announced an increase in the margin over gilt yields of 100bps on top of the current margin of 80 bps which this authority has paid prior to this date for new borrowing from the PWLB. There was no prior warning that this would happen and as a result many local authorities will have to fundamentally reassess how to finance their external borrowing needs and the financial viability of capital projects in their capital programme due to this unexpected increase in the cost of borrowing.
26. This has no significant impact on this council however, as we have no immediate plans to undertake any borrowing. In addition, as the rates had been so unusually low over recent months, we had continued to model the affordability on the higher rates that are now in place. The announcement of the 9 October has effectively just returned the PWLB rates to those in place last year at this time. Although we have previously relied on the PWLB as a main source of funding, we are able to consider alternative cheaper sources of borrowing and we have already been made aware of numerous financial institutions that have products available. Members will be updated as this area evolves.
27. It is also possible that the Municipal Bond Agency will be offering loans to local authorities in the future and we may make use of this new source of borrowing as and when appropriate.
28. Figure 3 illustrates the 2019/20 maturity profile of the Council's debt portfolio at 30th September 2019. The maturity profile shows that there is no large concentration of loan maturity in any one year, thereby spreading the interest rate risk dependency.

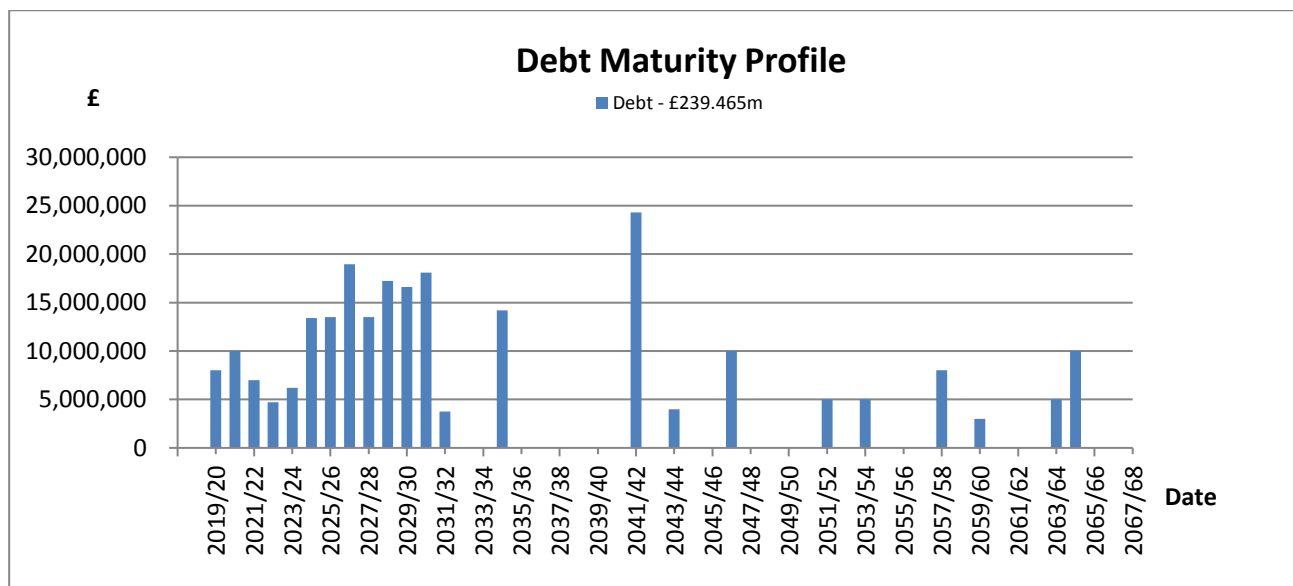


Figure 3 – Debt Maturity Profile 19/20 at 30th September 2019

29. Table 3 shows PWLB Certainty borrowing rates available for selected loan durations.

	PWLB Certainty borrowing rates by duration of loan				
	1 Year	5 Year	10 Year	25 Year	50 Year
Yr High	1.58%	1.73%	2.07%	2.58%	2.41%
Yr Low	1.17%	1.01%	1.13%	1.73%	1.57%
Yr Avg	1.40%	1.37%	1.62%	2.20%	2.07%

Table 3 – PWLB Borrowing Rates (%) – to 30th September 2019

Compliance with Prudential Indicators

30. The Prudential Indicators for 2019/20 included in the Treasury Management Strategy Statement are based on the requirements of the Council's capital programme and approved at Budget Council on 25 February 2019.

31. It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits" included in the Prudential Indicators. The monitoring of the Prudential Indicators is attached at Annex A. During the financial year 2019/20 to date the Council has operated within the treasury limits and Prudential Indicators set out.

Consultation and Options

32. The report shows the six month position of the treasury management portfolio in 2019/20. The treasury management budget was set in light of the council's expenditure plans and the wider economic market conditions, based on advice from Link Asset Services. It is a statutory requirement to provide the information detailed in the report.

Council Plan

33. The treasury management function aims to achieve the optimum return on investments commensurate with the proper levels of security, and to minimise the interest payable by the Council on its debt structure. It thereby contributes to all Council Plan priorities.

Financial implications

34. The financial implications are in the body of the report.

Legal Implications

35. Treasury Management activities have to conform to the Local Government Act 2003, the Local Authorities (Capital; Finance and Accounting) (England) Regulations 2003 (SI 2003/3146), which specifies that the Council is required to have regard to the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice and also the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 (SI 2008/414), which clarifies the requirements of the Minimum Revenue Provision guidance.

Other Implications

36. There are no crime and disorder, information technology, property, equalities, human resources or other implications because of this report.

Risk Management

37. The Treasury Management function is a high-risk area because of the level of large money transactions that take place. As a result, there are procedures set out for day to day treasury management operations that aim to reduce the risk associated with high volume high value transactions. These are detailed in the Treasury Management Strategy Statement at the start of each financial year.

Contact Details

Authors:	Chief Officer Responsible for the report:
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Debbie Mitchell Head of Corporate Finance & Commercial Procurement 01904 554161	Ian Floyd Deputy Chief Executive & Director of Customer & Corporate Services		
Sarah Kirby Principal Accountant 01904 551635	Report Approved	x	Date 12.11.19
Wards Affected: <i>All</i>			
For further information please contact the author of the report			

Specialist Implications:
Legal – Not Applicable
Property – Not Applicable
Information Technology – Not Applicable

Annexes

Annex A – Prudential Indicators 2019/20

Glossary of Abbreviations used in the report:

LIBID	London Interbank Bid Rate
PWLB	Public Works Loans Board

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Prudential Indicators 2019/20 Mid-Year

	Prudential Indicator		2019/20	2020/21	2021/22	2022/23	2023/24	
1	Capital expenditure To allow the authority to plan for capital financing as a result of the capital programme and enable the monitoring of capital budgets.	GF	£99.6m	£219.7m	£63.5m	£20.4m	£10.9m	
		HRA	£37.3m	£64.6m	£44.1m	£22.2m	£34.2m	
		PFI	£0.0m	£0.0m	£0.0m	£0.0m	£0.0m	
		Total	£136.9m	£284.3m	£107.6m	£42.6m	£45.1m	
2	CFR as at 2019/20 Mid-Year Indicates the Council's underlying need to borrow money for capital purposes. The majority of the capital programme is funded through government support, government grant or the use of capital receipts. The use of borrowing increases the CFR.	GF	£256.5m	£292.0m	£311.4m	£308.3m	£299.2m	
		HRA	£139.1m	£139.1m	£139.1m	£139.1m	£139.1m	
		PFI	£46.3m	£45.2m	£44.0m	£42.8m	£41.7m	
		Total	£441.9m	£476.3m	£494.5m	£490.2m	£480.0m	
3	Ratio of financing costs to net revenue stream An estimate of the cost of borrowing in relation to the net cost of Council services to be met from government grant and council taxpayers. In the case of the HRA the net revenue stream is the income from rents.	GF	12.27%	15.25%	18.26%	19.05%	18.93%	
		HRA	11.91%	11.54%	11.19%	10.87%	10.58%	
		Total	12.20%	14.46%	16.72%	17.23%	17.03%	
4	External debt To ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose and so not exceed the CFR.	Gross Debt	£313.8m	£355.7m	£387.5m	£398.6m	£404.3m	
		Invest	£20.0m	£20.0m	£20.0m	£20.0m	£20.0m	
		Net Debt	£293.8m	£335.7m	£367.5m	£378.6m	£384.3m	

	Prudential Indicator		2019/20	2020/21	2021/22	2022/23	2023/24	
5 a	<p>Authorised limit for external debt</p> <p>The authorised limit is a level set above the operational boundary in acceptance that the operational boundary may well be breached because of cash flows. It represents an absolute maximum level of debt that could be sustained for only a short period of time. The council sets an operational boundary for its total external debt, gross of investments, separately identifying borrowing from other long-term liabilities.</p>	Borrowing / Other long term liabilities Total	£463.2m £30.0m <u>£493.2m</u>	£486.3m £30.0m <u>£516.3m</u>	£504.5m £30.0m <u>£534.5m</u>	£500.2m £30.0m <u>£530.2m</u>	£490.0m £30.0m <u>£520.0m</u>	
5 b	<p>Operational boundary for external debt</p> <p>The operational boundary is a measure of the most likely, prudent, level of debt. It takes account of risk management and analysis to arrive at the maximum level of debt projected as part of this prudent assessment. It is a means by which the authority manages its external debt to ensure that it remains within the self-imposed authority limit. It is a direct link between the Council's plans for capital expenditure; our estimates of the capital financing requirement; and estimated operational cash flow for the year.</p>	Borrowing Other long term liabilities Total	£453.2m £10.0m <u>£463.2m</u>	£476.3m £10.0m <u>£486.3m</u>	£494.5m £10.0m <u>£504.5m</u>	£490.2m £10.0m <u>£500.2m</u>	£480.0m £10.0m <u>£490.0m</u>	

	Prudential Indicator		2019/20	2020/21	2021/22	2022/23	2023/24	
6	<p>Maturity structure of fixed rate borrowing</p> <p>To minimise the impact of debt maturity on the cash flow of the Council. Over exposure to debt maturity in any one year could mean that the Council has insufficient liquidity to meet its repayment liabilities, and as a result could be exposed to risk of interest rate fluctuations in the future where loans are maturing. The Council therefore sets limits whereby long-term loans mature in different periods thus spreading the risk.</p>	Maturity profile of debt against approved limits	Maturity Profile	Debt (£) (30/09/19)	Debt (%) (30/09/19)	Approved Minimum Limit	Approved Maximum Limit	
			Less than 1 yr	£13.0m	5%	0%	30%	In line with the TMSS Lobo loans are shown as due at their next call date as this is the date the lender could require payment.
			1 to 2 yrs	£7.0m	3%	0%	30%	
			2 to 5 yrs	£16.0m	7%	0%	40%	
			5 to 10 yrs	£76.6 m	32%	0%	40%	
			10 yrs and above	£126.9m	53%	30%	90%	
			Total	£239.5m	100%	-	-	
7	<p>Upper limit for total principal sums invested for over 364 days</p> <p>The Council sets an upper limit for each forward financial year period for the level of investments that mature in over 364 days. These limits reduce the liquidity and interest rate risk associated with investing for more than one year. The limits are set as a percentage of the average balances of the investment portfolio.</p>		£15m	£15m	£15m	£15m	£15m	

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Audit & Governance Committee

4 December 2019

Report of the Head of Human Resources

Settlement Agreements

Summary

1. Following recommendations from Audit and Governance Committee in March 2019, Staffing Matters and Urgency Committee (SMUC) have confirmed the process the council will follow prior to agreeing settlement agreements and for formally noting settlement agreements made through SMUC.

Recommendation

2. That the Report be noted.
3. That Audit & Governance receive an annual report on the number of settlement agreements made across directorates throughout the financial year and the value.

Background

4. In March 2019 A&G committee considered a report from the Head of HR & OD with regards to Non-Disclosure Agreements.
5. The printed minutes show :

Resolved: That the following recommendations be made:

- A system of Member oversight of proposed settlement agreements and non-disclosure clauses be introduced to ensure that expenditure of Council Tax payers money is prudent and accountable;
- There should be a presumption against Non-disclosure agreements unless a business case is presented that is viable and is then approved by Members (in a format to be decided); and

- A formalised process be implemented so that there is consultation with Members on proposed settlement agreements and that the Constitution be amended to reflect this.

6. In line with the above, SMUC received a report from Head of HR & OD, setting out the protocol and business case to be used when agreeing settlement agreements, (inclusive of non-disclosure clauses where applicable).
7. SMUC recommended changes to the protocol and business case which were made and a copy can be found in Annex 1 and 2. These documents will be used by officers in seeking approval to progress a settlement agreement.
8. In summary an Executive Member will be consulted and agree to the parameters of the settlement agreement through the business case outlined by the Director or Assistant Director. Where agreement is given negotiations will commence.
9. The business case will be presented to SMUC for noting in their monthly meetings after it has been agreed.
10. On an annual basis the Audit & Governance committee should receive a report on the use of settlements and cost across the financial year.

Options

11. Not relevant for the purpose of this Report.

Analysis

12. Not relevant for the purpose of this Report.

Council Plan

13. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the Workforce Strategy (People Plan).

Implications

12. There are no implications for the process as described. Any implication on individual cases will be detailed in the business case and considered at the time.

Risk Management Assessment

13. This approach manages the risk to the council and gives greater oversight and scrutiny whilst maintaining confidentiality in line with the settlement agreements.

Recommendation

14. That the Report be noted.

15. That Audit & Governance committee have annual oversight through the receipt of a report on settlement agreements made throughout the financial year and a cost.

Reason

To provide assurance and oversight by Members, as agreed by SMUC.

Contact Details

Author:
Trudy Forster
Head of Human Resources
Tel: (01904) 553984

Chief Officer Responsible for the report:
Ian Floyd
Corporate Director of Customer and
Corporate Services

Report **Date** 22.11.19
Approved

Specialist Implications Officer(s) List information for all

Peter Cairns, Senior Lawyer (Employment)

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Annexes

Annex 1 Protocol

Annex 2 Settlement Agreement Business Case



Protocol for Settlement Agreements and Non Disclosure Clause

1. This protocol provides the process to follow when considering settlement agreements with members of staff. This will ensure that the correct approvals have been obtained and recorded and will ensure that we are able to provide assurance and oversight of the process to members.
2. Settlement agreements are legally binding contracts which can be used to end the employment relationship on agreed terms. Their main feature is that they waive an employee's right to make a claim to a court or employment tribunal on the matters that are specifically covered in the agreement. Settlement agreements may be proposed prior to undertaking any other formal process. They usually include some form of payment to the employee and may also include an agreed reference.
3. Settlement agreements are voluntary. Parties do not have to agree them or enter into discussions about them if they do not wish to do so. Equally the parties do not have to accept the terms initially proposed to them. There can be a process of negotiation during which both sides make proposals and counter proposals until an agreement is reached, or both parties recognise that no agreement is possible.
4. For a settlement agreement to be legally valid the following conditions must be met:
 - a) The agreement must be in writing;
 - b) The agreement must relate to a particular complaint or proceedings
 - c) The employee must have received advice from a relevant independent adviser on the terms and effect of the proposed agreement and its effect on the employee's ability to pursue that complaint or proceedings before an employment tribunal;
 - d) The independent adviser must have a current contract of insurance or professional indemnity insurance covering the risk of a claim by the employee in respect of loss arising from that advice;
 - e) The agreement must identify the adviser;
 - f) The agreement must state that the applicable statutory conditions regulating the settlement agreement have been satisfied.

5. Settlement agreements can be proposed by both CYC managers and employees. A settlement agreement proposal can be made at any stage of an employment relationship. How the proposal is made can vary depending on the circumstances but reasons for the proposal should be given when the proposal is made. The initial proposal may be oral although it must ultimately be put in writing. At this stage the conversation is protected and without prejudice.
6. The initial proposal should be considered by the Head of Service / Assistant Director, Legal, HR, and Finance. Where it is proposed to progress then the AD/Corporate Director should inform and gain approval from the Executive Member and from the Section 151 Officer/ Chief Executive. This will all be documented in the Settlement Agreement template, shown in Appendix 1.
7. Where the business case has been approved, as in paragraph 6 above, parties should be given a reasonable period of time to consider the proposed settlement agreement and a minimum period of 10 calendar days should be allowed to consider the proposed formal written terms of a settlement agreement and to receive independent advice, unless the parties agree otherwise.
8. Whilst not a legal requirement, CYC should allow employees to be accompanied at the meeting by a work colleague, trade union official or trade union representative.
9. Where a proposed settlement agreement based on the termination of the employment is accepted, the employee's employment can be terminated either with the required contractual notice or from the date specified in the agreement. The details of any payments due to the employee and their timing should be included in the agreement.
10. The Settlement Agreement Template (anonymised) will be sent to SMU for noting, after the agreement has been signed.
11. The use of a non disclosure clause within the settlement agreement may be used for the benefit of either CYC or the employee, but in general is included for the benefit of both parties. The clause is confidential and provides certainty and closure, whilst affirming the right of either party to make a protected disclosure (i.e. whistleblowing).

Business Case – Settlement Agreements

Briefly outline the circumstances of the request to provide a settlement agreement. This should be very brief.

Please provide full details of the settlement proposal, not named individuals

Directorate:

Department:

Reason:

Overall total cost of the settlement:

Total cost and breakdown :

Please provide details of alternative courses of action and advantages and disadvantages of each. For example the potential cost (and resource) of following internal process.

Non Disclosure Clause

If this is included is there anything additional to the norm ?

Business Case prepared by:	
Name of Manager:	Date:
Directorate Sign Off: Assistant Director / Director	
To confirm date of discussion with Executive Member – signed below	
Name of Manager:	Date:
Name of Executive Member	Date:
HR Comments:	
Name:	Date:
Finance Comments	
Name: ...	Date:
Legal Comments	
Name: ...	Date:
Date submitted to Section 151 Officer / Chief Executive for approval:	
Business case approved/not approved on	

**Audit and Governance Committee**

4 December 2019

Report of the Head of Internal Audit

Audit & Counter Fraud Monitoring Report

Summary

- 1 This report provides an update on progress made in delivering the internal audit workplan for 2019/20 and on current counter fraud activity.

Background

- 2 The work of internal audit is governed by the Accounts and Audit Regulations 2015 and the Public Sector Internal Audit Standards (PSIAS). In accordance with the standards, periodic reports detailing the outcomes of internal audit work are presented to this committee.

Internal Audit

- 3 To date (up to 20 November 2019), internal audit has completed 28% of the 2018/19 audit plan (compared to 15% in the corresponding report last year). The figure is based on reports issued and does not reflect audits in progress or recently completed¹. It is anticipated that the 93% target for the year will be exceeded by the end of April 2020 (the cut off point for 2019/20 audits). The current status of audits included in the audit plan is shown in annex 3.
- 4 Details of audits completed and reports issued since the last report to this committee in September 2019 are given in annex 1.

¹ The figure including work in progress and work completed but not yet reported is 62%.

- 5 A number of variations to the audit plan have been approved since the last report to this committee in September 2019. Details of the variation are included in annex 2.

Counter Fraud

- 6 Counter fraud work has been undertaken in accordance with the approved plan. Annex 3 provides a summary of the work undertaken in the period.
- 7 Up to 31 October, the counter fraud team has achieved £212k in savings for the council as a result of investigation work (against a target for the year of £200k). Successful outcomes were recorded for 65% of investigations completed - where cases have resulted in some form of action against the perpetrator such as recovery of funds, prosecution, issue of a warning, or other action.

Consultation

- 8 Not relevant for the purpose of the report.

Options

- 9 Not relevant for the purpose of the report.

Analysis

- 10 Not relevant for the purpose of the report.

Council Plan

- 11 The work of internal audit and counter fraud helps to support overall aims and priorities by promoting probity, integrity and accountability and by helping to make the council a more effective organisation.

Implications

- 12 There are no implications to this report in relation to:
- **Finance**
 - **Human Resources (HR)**
 - **Equalities**
 - **Legal**

- **Crime and Disorder**
- **Information Technology (IT)**
- **Property**

Risk Management Assessment

13 The council will be non-compliant with the PSIAS if the results of audit work are not reported to the committee and could therefore be exposed to increased levels of scrutiny and challenge.

Recommendation

14 Members are asked to:

- (a) note the progress made in delivering the 2019/20 internal audit work programme, and current counter fraud activity.

Reason

To enable members to consider the implications of audit and fraud findings.

Contact Details

Author:

Max Thomas
Head of Internal Audit
Veritau Limited
01904 552940

Chief Officer Responsible for the report:

Ian Floyd
Director of Customer & Corporate
Services and Interim Chief Executive
01904 554161

**Report
Approved**



Date xx/xx/2019

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers

- 2019/20 Internal Audit and Counter Fraud Plan

Annexes

Annex 1 – Final reports issued

Annex 2 – Variations to the internal audit plan

Annex 3 – Current status of planned audits

Annex 4 – Counter fraud activity

Available on the council's website

The following Internal Audit reports referred to in annex 1 are published on the council's website:

- Data Quality
- Housing Fraud
- Information Security Checks

Information which might increase risk to the council, its employees, partners or suppliers has been redacted.

AUDITS COMPLETED AND REPORTS ISSUED

The following categories of opinion are used for audit reports.

Opinion	Level of Assurance
High Assurance	Overall, very good management of risk. An effective control environment appears to be in operation.
Substantial	Overall, good management of risk with few weaknesses identified. An effective control environment is in operation but there is scope for further improvement in the areas identified.
Reasonable	Overall, satisfactory management of risk with a number of weaknesses identified. An acceptable control environment is in operation but there are a number of improvements that could be made.
Limited	Overall, poor management of risk with significant control weaknesses in key areas and major improvements required before an effective control environment will be in operation.
No Assurance	Overall, there is a fundamental failure in control and risks are not being effectively managed. A number of key areas require substantial improvement to protect the system from error and abuse.

Actions to address issues are agreed with managers where weaknesses in control are identified. The following categories are used to classify agreed actions.

Priority

1 (High)

Long Definition

Action considered both critical and mandatory to protect the organisation from exposure to high or catastrophic risks. For example, death or injury of staff or customers, significant financial loss or major disruption to service continuity.

These are fundamental matters relating to factors critical to the success of the area under review or which may impact upon the organisation as a whole. Failure to implement such recommendations may result in material loss or error or have an adverse impact upon the organisation's reputation.

Such issues may require the input at Corporate Director/Assistant Director level and may result in significant and immediate action to address the issues raised.

Short Definition – for use in Audit Reports

A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management.

Priority

Long Definition

Short Definition – for use in Audit Reports

2

Action considered necessary to improve or implement system controls so as to ensure an effective control environment exists to minimise exposure to significant risks such as financial or other loss.

A significant system weakness, whose impact or frequency presents risks to the system objectives, and which needs to be addressed by management.

Such issues may require the input at Head of Service or senior management level and may result in significantly revised or new controls.

3

Action considered prudent to improve existing system controls to provide an effective control environment in order to minimise exposure to significant risks such as financial or other loss.

The system objectives are not exposed to significant risk, but the issue merits attention by management.

Such issues are usually matters that can be implemented through line management action and may result in efficiencies.

Draft Reports Issued

Five internal audit reports are currently in draft. These reports are with management for consideration and comments. Once the reports have been finalised, details of the key findings and issues will be reported to this committee.

Final Reports Issued

The table below shows audit reports finalised since the last report to this committee in September 2019. In all cases the actions have been agreed with management, and will be followed up by internal audit when the due date is reached.

Audit	Opinion	Agreed actions			Work done / issues identified
		P1	P2	P3	
Data Quality	Substantial Assurance	0	0	0	The audit reviewed the production of two key indicators within the Children, Education and Communities directorate. No major issues were identified.
Housing Fraud	Reasonable Assurance	0	3	2	The audit reviewed the processes for identifying and reporting fraud cases to Veritau. It found they were working reasonably well but improvements could be made, in particular to supporting documentation requested as part of housing applications.

Audit	Opinion	Agreed actions			Work done / issues identified
		P1	P2	P3	
Information Security Checks	Reasonable Assurance	0	2	0	A regular assessment of the extent to which personal, sensitive and confidential data is exposed to risk. The audit identified a number of areas for improvement.

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VARIATIONS TO THE 2019/20 AUDIT PLAN

Additions to the plan are considered where:

- specific requests are received from the S151 Officer which are necessary for them to discharge their statutory responsibilities;
- new or previously unidentified risks result in changes to the priority of audit work;
- significant changes in legislation, systems or service delivery arrangements occur which have an impact on audit priorities;
- requests are received from customers to audit specific services, systems or activities usually as a result of weaknesses in controls or processes being identified by management;
- urgent or otherwise unplanned work arises as a result of investigations into fraud and other wrongdoing identifying potential control risks.

Additions to the audit plan are only made if the proposed work is considered to be of a higher priority than work already planned, the change can be accommodated within the existing resource constraints and the change has been agreed by the Head of Internal Audit.

Audits are deleted from the plan or delayed until later years where:

- specific requests are received from the S151 Officer or the audit customer and the grounds for such a request are considered to be reasonable;
- the initial reason for inclusion in the audit plan no longer exists;
- it is necessary to vary the plan to balance overall resources.

To reflect the contractual relationship between the council and Veritau, all proposed variations to the agreed audit plan arising as the result of emerging issues and/or requests from directorates will be subject to a change control process. Where the variation exceeds 5 days then the change must be authorised by the S151 Officer. Details of variations are communicated to the Audit and Governance Committee for information.

2019/20 Audit Plan Variations

The following variation has been approved since the last report to this committee in September 2019.

Audit	Days	Reason For Variation
Additions / Increases to the Audit Plan		
Schools support and advice	20	An allocation of time for additional internal audit support for schools, requested by the Director of CEC.
	20	

Audit	Days	Reason For Variation
Deletions / Reductions from the Audit Plan		
NHS Information Governance Toolkit	10	The March 2019 submission was audited by the NHS and the council categorised it as low risk. The audit will add more value if deferred to 2020/21, when the March 2020 submission will be reviewed.
Environmental Health	25	The audit has been removed to fund other audit work. This review was included in the audit plan primarily as there had been no coverage in recent years. Although it is a lower priority than other planned audits. It will be considered again for inclusion in the 2020/21 internal audit plan.
	35	

CURRENT STATUS OF WORK IN AUDIT PLAN

AUDIT	STATUS	TARGET DATE FOR A&G COMMITTEE
Corporate & Cross-Cutting		
Absence Management	In progress	April 2020
Corporate Complaints	Not started	June 2020
Data Quality	Not started	June 2020
Financial Resilience	Planning Commenced	April 2020
Health & Safety	Draft report issued	December 2019
Home Working	Draft report issued	December 2019
Information Security Sweeps	Reasonable Assurance	
Insurance	Not started	April 2020
IT – Licence Management	In progress	April 2020
IT – Server Admin & Security	Not started	April 2020
IT – Mobile Applications	Not started	April 2020
NHS Information Governance Toolkit	Deleted (December 2019)	
Procurement & Contract Management	Not started	April 2020
Records Management	Not started	June 2020
Transparency	Not started	June 2020

AUDIT	STATUS	TARGET DATE FOR A&G COMMITTEE
Main Financial Systems		
Council Tax & NNDR	In progress	December 2019
Council Tax Support and Housing Benefits	Planning Commenced	June 2020
Debtors	In progress	June 2020
Main Accounting System	Not started	June 2020
Ordering and Creditor Payments	Planning Commenced	April 2020
Payroll	In progress	December 2019
Health, Housing and Adult Social Care		
ASC Budget Management	Planning Commenced	June 2020
Building Services – Materials	Not started	June 2020
Continuing Healthcare (carried forward from 18/19)	In progress	December 2019
Homelessness	Not started	April 2020
Housing Delivery	Not started	June 2020
Housing Rents	In progress	December 2019
Integrated Care Partnerships	Not started	April 2020
Older People’s Accommodation	Not started	June 2020
Public Health	Planning Commenced	April 2020
Safeguarding	Not started	June 2020
Social Care Financial Assessments	In progress	April 2020

AUDIT	STATUS	TARGET DATE FOR A&G COMMITTEE
Economy and Place		
Cash Handling	Not started	April 2020
Environmental Health	Deleted (December 2019)	
Household Waste	Not started	June 2020
Smart Travel Evolution Programme (STEP)	Not started	June 2020
Taxi Licensing (follow-up)	Not started	April 2020
York Central	Not started	June 2020
Children, Education and Communities		
Adoption Services	Planning Commenced	June 2020
Agency Staff	In progress	December 2019
Data Quality (addition to plan)	Work complete	n/a
Home to School Transport	Not started	June 2020
Joint Targeted Area Inspection Plan	Planning Commenced	June 2020
Schools Maintenance Programme (carried forward from 18/19)	Draft report issued	December 2019
Schools Funding	In progress	December 2019
Schools Themed Audit – Financial Systems	In progress	April 2020
Schools Themed Audit – Procurement Cards	Planning Commenced	June 2020

AUDIT	STATUS	TARGET DATE FOR A&G COMMITTEE
Schools: Danesgate Community PRU Ralph Butterfield Secondary School	Draft report issued Fieldwork complete	December 2019 April 2020

COUNTER FRAUD ACTIVITY 2019/20

The table below shows the level of savings achieved through counter fraud work during the current financial year.

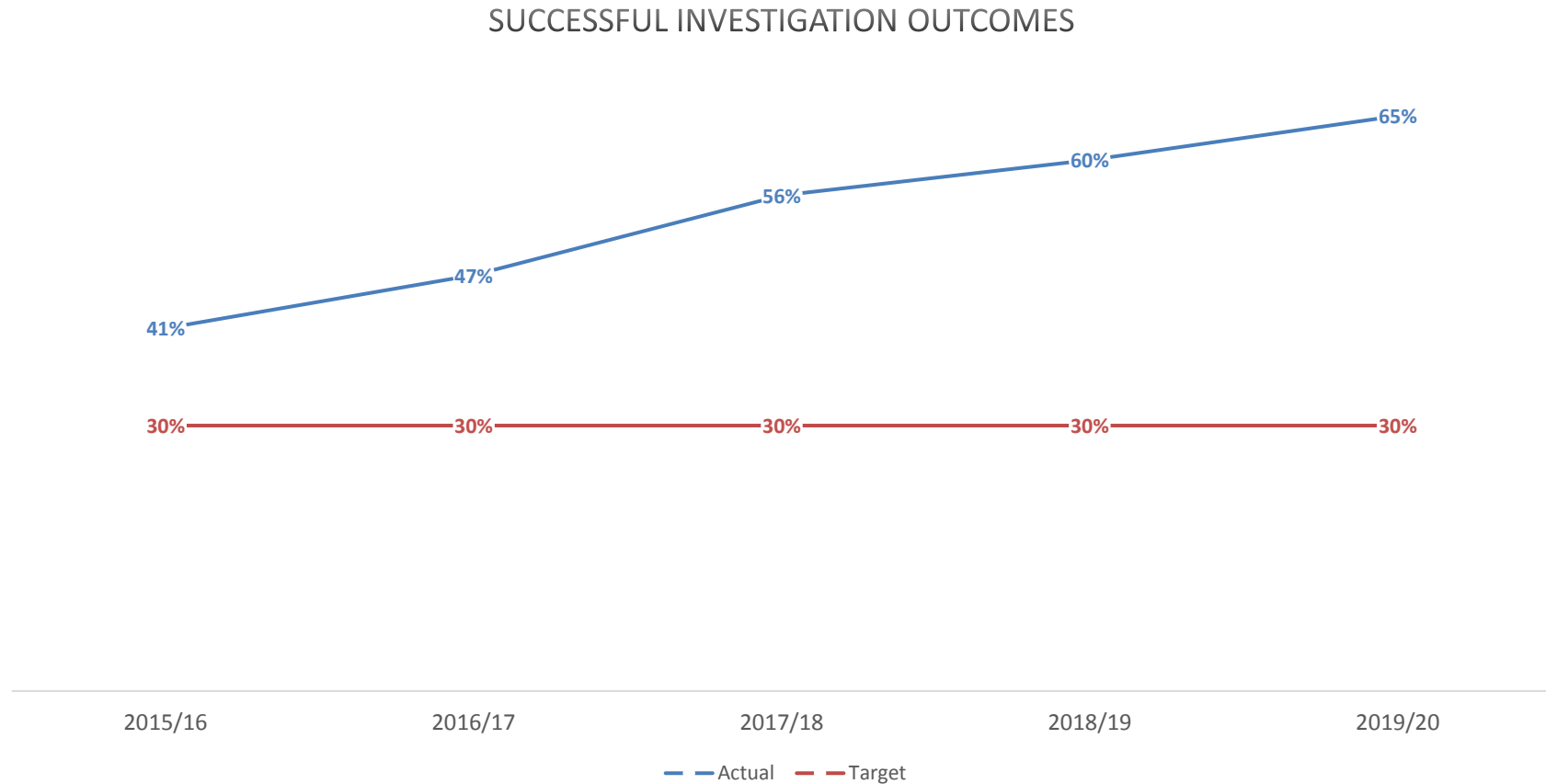
	2019/20 (Actual: 31/10/19)	2019/20 (Target: Full Yr)	2018/19 (Actual: Full Yr)
Amount of actual savings (quantifiable savings - e.g. repayment of loss, cancellation of right to buy discounts and stopping ongoing fraudulent claims) identified through fraud investigation.	£212,710	£200,000	£328,275

Caseload figures for the period are:

	2019/20 (As at 31/10/19)	2018/19 (Full Year)
Referrals received	218	345
Number of cases under investigation	102	118 ¹
Number of investigations completed	104	189

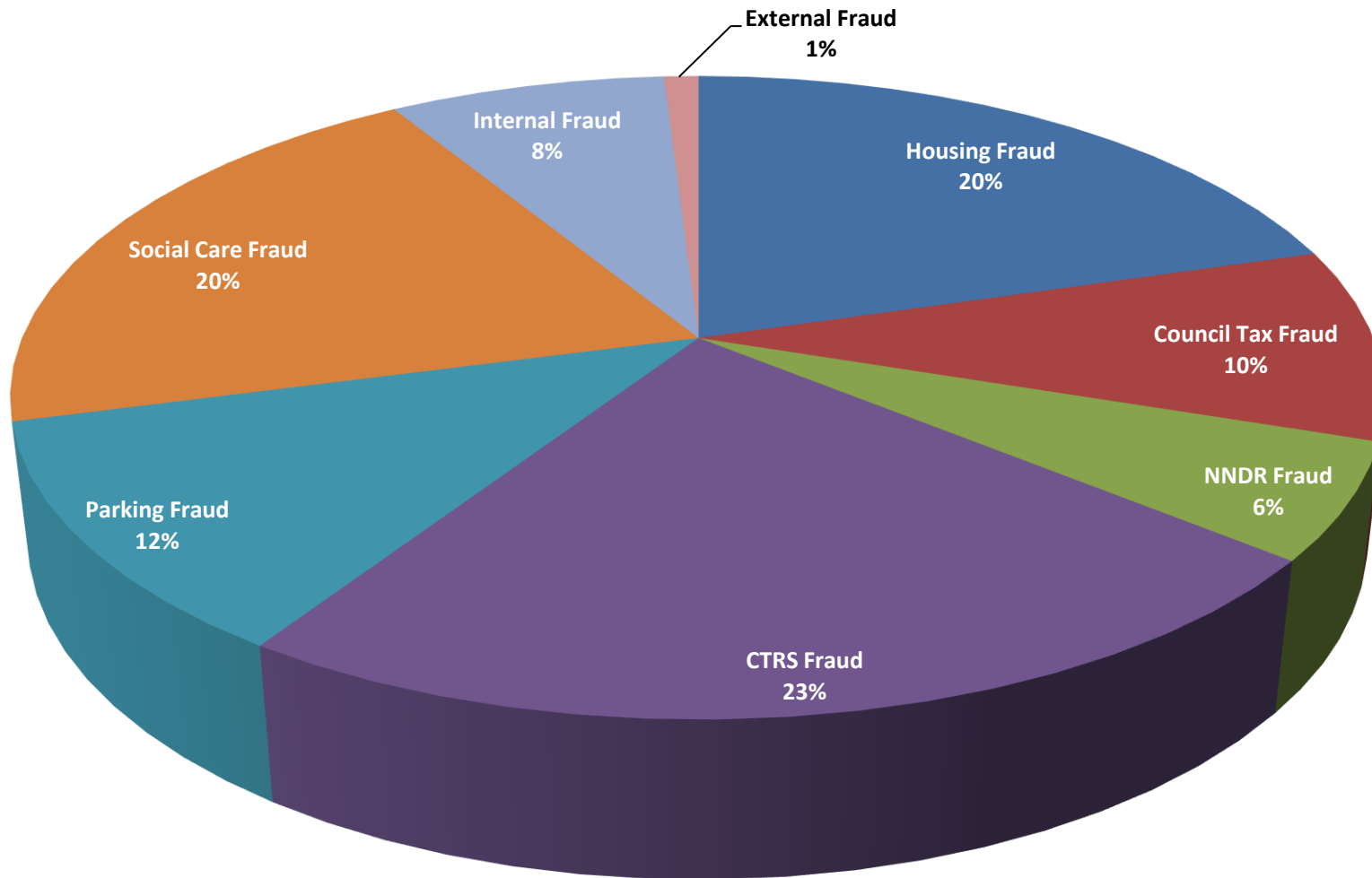
¹ As at 31/3/19

The agreed target for successful outcomes from investigations is 30%. Actual outcomes vary by case type but include, for example, benefits or discounts being stopped or amended, sanctions, prosecutions, properties recovered, housing allocations blocked, or management action taken. The graph below shows percentage success rates over the last 4 years and 2019/20 to date.



The chart below shows the proportion of different case types under investigation as at 31 October 2019.

Active Investigations by Fraud Area



Summary of counter fraud activity:

Activity	Work completed or in progress
Data matching	<p>The 2018/19 National Fraud Initiative (NFI) is ongoing. Almost all of the reports in the current exercise, which contained over 9,000 matches, have been completed by the counter fraud team and relevant council departments, however no significant fraud has been detected.</p>
Fraud detection and investigation	<p>The service continues to promote the use of criminal investigation techniques and standards to respond to any fraud perpetrated against the council. Activity to date includes the following:</p> <ul style="list-style-type: none"> • Social Care fraud – The counter fraud team consistently finds the largest amount of fraud loss against the council within adult social care. Whilst the number of cases where fraud is found is relatively low, the losses associated with individual cases are often high. In the first seven months of 2019/20 the counter fraud team has recovered savings of over £100,000 in five investigations. The council is in the process of prosecuting its first adult social care fraud case this year. The defendant has pleaded guilty in Magistrates Court and is awaiting sentencing in Crown Court. • Council Tax/Non Domestic Rates fraud – Council tax and business rate fraud investigations remain an area of focus for the team. To date one person has been prosecuted, three people have been cautioned and seven people have been issued written warnings following investigations in these areas. There are currently 15 investigations ongoing. • Internal fraud - The team has received 6 referrals for possible internal fraud to date; 8 cases are currently under investigation. • Housing fraud – Working alongside colleagues in the housing department, the counter fraud team has prevented four council homes from being let to applicants who provided false information in housing applications. One false right to buy application has been stopped, one person has been cautioned and two people have been issued written warnings for

Activity	Work completed or in progress
	<p>housing fraud offences. There are currently 21 cases under investigation.</p> <ul style="list-style-type: none"> • Parking fraud – The fraud team work with the parking department to combat blue badge and other types of parking related fraud. In 2019/20 five people have been cautioned and 17 people have been issued warnings for the misuse or alteration of blue badges. One person has been issued with a warning for misuse of a residential parking permit. Working together the two teams undertake periodic days of action where all disabled badges in use in the city centre are checked for potential fraud. One day of action occurred this summer and another is currently being planned. • Council Tax Support fraud – Council Tax Support fraud is high volume but generally of relatively low value. Four people have been warned about their conduct in relation to CTS fraud during the current financial year, and one person was successfully prosecuted for a more serious fraud. The defendant in the case failed to declare that she had a partner living with her which led to a loss of over £1,300 in Council Tax Support and £600 in Single Person Discount. The defendant submitted false tenancy agreements to the council to hide the fraud. She pleaded guilty at York Magistrates Court in August and was sentenced to 14 months in custody, suspended for 18 months, plus 20 days rehabilitation activity and a 6 month curfew at her home. • Education verification – The fraud team works with the schools team to investigate and deter false applications for school placements. Three investigations have been completed this year which has resulted in one application being stopped. • York Financial Assistance Scheme fraud – The fraud team works with council officers and external organisations to deter fraud against this scheme. No reports of fraud have been received in 2019/20 to date.

Activity	Work completed or in progress
Fraud liaison	<p>The counter fraud team acts as a single point of contact for the Department for Work and Pensions (DWP) and is responsible for providing data to support their housing benefit investigations. The team has dealt with 138 requests on behalf of the Council in 2019/20. This work has helped to uncover over £46,500 of housing benefit fraud.</p> <p>In May 2019, the DWP began new joint working arrangements with councils in the Yorkshire and Humber region. Joint working involves council fraud investigation officers working with DWP counterparts to investigate benefit fraud that affects both organisations. To date 6 joint investigations have started but none have been concluded.</p>
Fraud Management	<p>In 2019/20 a range of activity has been undertaken to support the council's counter fraud framework.</p> <ul style="list-style-type: none"> • The counter fraud team alerts council departments to emerging local and national threats through a monthly bulletin and specific alerts over the course of the year. • In May, the council's counter fraud transparency data was updated to include data on counter fraud performance in 2018/19, meeting the council's obligation under the Local Government Transparency Code 2015. • The council participated in the annual Cipfa Counter Fraud and Corruption Tracker (CFaCT) survey in June 2019. The information will contribute to a Cipfa national report detailing the extent of fraud against local authorities. • In September, the counter fraud team ran a cybercrime awareness week, delivering cybercrime awareness information to council employees through a number of bulletins provided over the course of the week. • In October, the council hosted a meeting of counter fraud professionals from across the region as part of the development of the new national local government counter fraud and

Activity	Work completed or in progress
	<p data-bbox="465 193 1196 229">corruption strategy – Fighting Fraud Locally.</p> <ul data-bbox="421 280 1944 443" style="list-style-type: none"><li data-bbox="421 280 1944 443">• In November, the counter fraud team raised awareness of fraud with the staff and the public during International Fraud Awareness Week. In addition specific training relating to use of CCTV, social media and surveillance is being delivered to the Housing department.

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**Audit and Governance Committee**

4 December 2019

Report of the Head of Internal Audit

Review of Audit and Governance Committee Effectiveness

Summary

- 1 This report considers the options for undertaking a review of the Audit and Governance Committee's effectiveness.

Background

- 2 The Audit and Governance Committee forms an integral part of the council's overall governance framework and is an important source of assurance in respect of the council's arrangements for managing risk, maintaining an effective control environment, and reporting on financial performance. Guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) recommends that audit committees should periodically undertake a review of their own effectiveness to ensure that they are continuing to properly fulfil their responsibilities. The guidance includes a self-assessment checklist.
- 3 The last full review of the Committee's effectiveness was conducted in 2012. The review resulted in a number of changes being made to the Committee's Terms of Reference and operating arrangements. Whilst there have been no significant changes in the scope of the Committee's work since then the membership of the Committee has changed so a further review might now be considered appropriate.

Options

- 4 Assuming there is agreement to proceed with a review then several options exist for how it might be undertaken and for its timing, including:

- a) members of the Committee working collectively to undertake the review (with support from officers)
 - b) the chair and vice-chair leading the review (with support from officers)
 - c) the establishment of a small working group, comprising two or three members, to undertake the review (with support from officers)
 - d) an external body or person being invited to undertake the review (for example an audit committee chair from a neighbouring authority could undertake a peer review or a suitable organisation or expert could be commissioned to undertake the review). There would be possible budget and procurement implications if the latter was chosen as the preferred option.
- 5 Whichever option is chosen, the review would require the collection of evidence from relevant stakeholders and a comparison of current practice against the CIPFA guidance.
- 6 Members' views are therefore sought about the preferred approach to take and the possible timescales for completing the review. Postponing the review for a further period of time would also be an option.

Consultation

- 7 Not relevant for the purpose of the report.

Options

- 8 See above.

Analysis

- 9 Not relevant for the purpose of the report.

Council Plan

- 10 The Audit and Governance Committee forms an important component of the council's corporate governance framework. As such it supports the overall aims and priorities of the council by promoting probity, integrity and accountability and by helping to make the council a more effective organisation.

Implications

11 There are no implications to this report in relation to:

- **Finance** (unless an external assessment was commissioned – see paragraph 4(d) above)
- **Human Resources (HR)**
- **Equalities**
- **Legal**
- **Crime and Disorder**
- **Information Technology (IT)**
- **Property**

Risk Management Assessment

12 The council may fail to comply with the Accounts and Audit Regulations 2015 if it does not undertake a proper review of the effectiveness of the system of internal control, including a periodic review of the Audit and Governance Committee's effectiveness.

Recommendation

13 Members are asked to consider whether to proceed with a review of the Committee's effectiveness, and if so, to agree the form, scope and timetable for such a review.

Reason

To ensure that the Audit and Governance Committee remains effective.

Contact Details

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Ian Floyd
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Services and Interim Chief Executive
01904 554161

**Report
Approved**



Date 12/11/2019

Specialist Implications Officers

Not applicable

Wards Affected: All

For further information please contact the author of the report

Background Papers

None

**Audit and Governance Committee**

4 December 2019

Report of the Head of Internal Audit

Whistleblowing Update

Summary

- 1 The purpose of the report is to seek final comments from the committee on a proposed new whistleblowing policy.

Background

- 2 The Public Interest Disclosure Act 1998 (PIDA) introduced amendments to the Employment Rights Act 1996 (ERA). PIDA was later amended by the Enterprise and Regulatory Reform Act 2013. PIDA provides protections to workers who report serious issues within an organisation. Employers who subject workers to detriment (such as dismissal or unfair treatment) due to them “blowing the whistle” can be ordered to pay compensation at an employment tribunal. Workers who do not feel that their concerns have been addressed are entitled to raise their concerns outside of their organisation to relevant prescribed bodies as detailed within legislation (for example the Health and Safety Executive and OFSTED).
- 3 Whistleblowing is seen as an important and essential part of maintaining good governance, encouraging high standards of ethical behaviour and promoting an anti-fraud culture within an organisation. CIPFA cite having an effective and accessible whistleblowing policy as a demonstration of local government’s commitment to integrity, ethics, and respect for the rule of law.¹
- 4 The whistleblowing policy forms part of the wider counter fraud policy framework, which includes the counter fraud and corruption policy and counter fraud strategy. The policies set out how anyone can raise suspicions of fraud or wrongdoing

¹ CIPFA – Delivering Good Governance 2016

with the council. However, because of the specific protections in law afforded to workers, the arrangements for them to blow the whistle are set out in a separate whistleblowing policy. This makes clear the circumstances where blowing the whistle will afford the protections set out in legislation, and outlines how concerns will be investigated.

Revised Whistleblowing Policy

- 5 The council's current whistleblowing policy was last updated in 2014.
- 6 Veritau took over responsibility for providing support to the council with whistleblowing arrangements in 2018. A review of the current policy and procedures against good practice guidance was completed in early 2019. This included the Government's Whistleblowing: Guidance for Employers & Code of Practice (Department for Business Innovation & Skills, March 2015) and the National Audit Office's Assessment Criteria for Whistleblowing Policies (January 2014). While it was found that the existing policy remained effective, it required updating to reflect the latest guidance and a revised policy was prepared.
- 7 The proposed new policy and related guidance builds on the aims, principles and information set out in the current policy. Areas updated include the following.
 - Further clarification for employees of the types of issues that may be reported and the protections the law affords them.
 - The introduction of more detailed guidance for managers on how to respond when a whistleblowing report is made to them.
 - The introduction of central reporting and recording requirements for all whistleblowing allegations.
 - Clarification of reporting requirements to senior officers and to members.
- 8 On 6 February 2019 the new draft policy was considered by the Audit and Governance Committee. The committee provided a number of comments to be taken into account in finalising the policy. Separately, the draft policy was considered by the Standards Task Group, who also provided

comments. The draft policy has subsequently been amended in light of the views expressed.

- 9 A final draft of the policy is included at annex 1. The policy includes tracked changes showing amendments made to the version considered by the committee on 6 February. Subject to any further comments, the policy will now be considered by the council's Corporate Management Team on 15 January 2020 prior to approval of the policy by the Chief Executive.
- 10 Once the new policy is in place an awareness campaign will be undertaken for both members of staff and managers. The Human Resources department and Veritau will continue to provide ongoing support and advice to all parties. Veritau will regularly report relevant whistleblowing activities to the Chief Executive, Section 151 Officer and Monitoring Officer. Veritau will also report annually to the Audit and Governance Committee, detailing numbers of reports, any significant trends, and further details of any reports that lead to significant issues being uncovered.

Consultation

- 11 Consultation has taken place with key departmental stakeholders including Human Resources and Legal Services; and with the Unison, GMB, and Unite unions. The draft policy has also been considered by the Audit and Governance Committee and Standards Task Group, and by the Governance Risk and Assurance Group (GRAG). The policy will be considered by Corporate Management Team before approval.

Options

- 12 Not relevant for the purpose of the report.

Analysis

- 13 Not relevant for the purpose of the report.

Council Plan

- 14 Robust whistleblowing arrangements help to support overall aims and objectives by enabling concerns about working practices to be addressed through creating an environment where employees and those working on behalf of the council can raise issues with confidence.

Implications

- 15 There are no implications to this report in relation to:
- **Finance**
 - **Human Resources (HR)**
 - **Equalities**
 - **Legal**
 - **Crime and Disorder**
 - **Information Technology (IT)**
 - **Property**
- 16 There are no direct implications from this report in relation to HR or legal matters. There are however wider implications for the council in relation to whistleblowing matters. Workers who make a 'protected disclosure' can make a claim to an employment tribunal if they have been treated badly or dismissed - which could result in compensation. For example a claim for detrimental treatment (by the council or colleagues) or unfair dismissal, as a result of whistleblowing.

Risk Management Assessment

- 17 It's important to have appropriate whistleblowing arrangements in place to help protect employees and the council. A clear procedure provides guidance to employees on what to do and the circumstances under which they enjoy the protection of the law. Having clear guidance for managers helps to ensure that concerns are dealt with appropriately and employees are not subject to detriment as a result of whistleblowing.

Recommendations

- 18 Members are asked to;
- provide final comments on the proposed new whistleblowing policy and guidance, and note the arrangements for the policy to be approved by the Chief Executive as outlined in the report.

Reason

In accordance with the committee's responsibility to assess the effectiveness of the council's counter fraud arrangements including the whistleblowing policy and other relevant counter fraud policies and plans.

Contact Details

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**Report
Approved**

Date x/x/x

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers

Department for Business Innovation & Skills – Whistleblowing
Guidance for Employers and Code of Practice (2015)

National Audit Office – Whistleblowing Policies & Assessment
Criteria for Whistleblowing Policies (2014)

CIPFA – Delivering Good Governance (2016)

Public Concern at Work – The Whistleblowing Commission – Codes
of Practice (2014)

Annexes

Annex 1 – proposed Whistleblowing Policy

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WHISTLEBLOWING POLICY

1.0 INTRODUCTION

- 1.1 City of York Council is committed to achieving high standards of integrity and accountability. This policy provides a framework for employees and contractors, to raise concerns which they believe are in the public interest and may relate to illegal, improper or unethical conduct. The whistleblowing policy forms part of the Council's overall counter fraud framework. -There are different mechanisms for members of the public or others with concerns to report them to the Council, for example e.g. through the counter fraud hotline or complaints procedures. Whilst many of the principles covered in the whistleblowing policy relate to any report of wrongdoing at the council, this policy is designed solely for the use of employees and contractors.
- 1.2 The Council tries to create an open environment in which employees and those working on behalf of City of York Council are encouraged to raise issues with the confidence that they will be acted upon appropriately. Our message to employees is straightforward - If in doubt, raise it!
- 1.3 The Public Interest Disclosure Act 1998 (PIDA) protects employees against detrimental treatment or dismissal as a result of any disclosure of information in the interests of the public. This policy is designed to conform to legislation¹ as well as guidance from the government and relevant bodies².
- 1.4 This policy should be used where there are concerns about consequences for other employees or the public, and does not apply to matters relating exclusively to one's own employment.
- 1.5 A guide for managers or other employees on how to proceed if they receive a whistleblowing report is contained in Appendix A of this policy.

2.0 AIMS AND SCOPE OF THE POLICY

2.1 The policy aims to:-

- encourage employees to raise any serious concerns they have about their workplace or working practices;
- ensure that employees get a response to their concerns and that they are aware of how to pursue them if they are not satisfied with any action or inaction; and

¹ PIDA 1998 was updated by the Enterprise and Regulatory Reform Act 2013.

² Whistleblowing guidance has been issued by the Department for Business, Energy & Industrial Strategy, the National Audit Office and the charity, Public Concern at Work.

- assure employees that if they raise any concerns in the public interest, action will be taken to protect them from possible reprisals or victimisation.

2.2 This policy applies to any person working for the Council. This includes both permanent and temporary staff, staff from maintained schools, and also covers agency personnel and staff seconded to or from a third party. Contractors working for the Council may also use the provisions of this policy to make the Council aware of any relevant concerns and will receive the same protections from their own employer as if they worked for the Council.

2.3 Protection under PIDA is not provided to job applicants, self employed workers or volunteers, however concerns can still be reported through whistleblowing channels.

2.4 Set out below is a list of circumstances that should be reported through this policy and qualify for protection under legislation:

- a) a criminal offence has been committed, is being committed, or ~~is likely to~~ may be committed, e.g. corruption, theft, or fraud³;
- b) a person has failed, is failing, or ~~is likely to~~ may fail to comply with any legal obligation to which they are subject, e.g. breach of any statutory Code of Practice;
- c) a miscarriage of justice has occurred, is occurring, or ~~is likely to~~ may occur;
- d) the health or safety of any individual has been, is being, or ~~is likely to~~ may be endangered, e.g. abuse of any vulnerable adult or child;
- e) the environment has been, is being, or ~~is likely to~~ may be damaged; or
- f) information tending to show any matter falling within any of the above categories has been, is being, or ~~is likely to~~ may be deliberately concealed, e.g. failure to take reasonable steps to report or resolve any situation which is likely to cause significant financial loss to the Council.

2.5 This whistleblowing policy is intended for people to raise concerns that are in the public interest and where the interests of others or of the organisation itself are at risk. It is intended to supplement, rather than to replace, other employment procedures whereby employees of the Council may already raise complaints or matters of genuine concern relating to their own employment.

³ If clarification is required as to whether an issue constitutes a criminal offence or comes under any other section on this list then employees and contractors can contact Veritau for advice.

3.0 SAFEGUARDS

- 3.1 The Council recognises that the decision to report a concern can be a difficult one to make. In many cases it is employees who are most likely to be in the best position to learn of any malpractice or wrongdoing within the Council or school setting and to identify something which falls below the standards which the Council and the public are entitled to expect. The Council is grateful to all employees who report their concerns.
- 3.2 Employees should have nothing to fear by reporting their concerns, if what they are reporting is true (or they honestly believe the information is true even if it is later found out to be incorrect). No action will be taken against anyone genuinely reporting a concern.
- 3.3 Deliberately providing false or misleading information however is a serious matter which may result in ~~disciplinary~~ action being taken under the Council's disciplinary policy. Equally, deterring another employee from reporting their concerns is a serious matter and also may result in disciplinary action.
- 3.4 The Council will not tolerate the harassment or victimisation of anyone who has raised a concern. However, it is recognised that an individual may nonetheless want to raise a concern in confidence under this policy. If a member of staff asks the Council to protect their anonymity, efforts will be taken to protect their identity from being disclosed. If a situation arises where a concern cannot be resolved without revealing their identity (for instance, because evidence is needed in Court or will be revealed as part of a subsequent investigation) this will be fully discussed with the employee in question.
- 3.5 The policy encourages employees to put their names to allegations. Concerns expressed anonymously will still be considered by the Council, however complaints of this type ~~are much less powerful and can be~~ harder to substantiate and therefore ~~will be treated with a degree of caution~~ much less powerful, and have to be treated with a degree of caution. It will also not be possible provide feedback to the member of staff reporting the concern during or following any investigation. Anonymous reports are preferred to silence however.

4.0 HOW TO RAISE A CONCERN

- 4.1 ~~Employees-Whistleblowers~~ should normally raise concerns with their immediate line manager. However, if it is believed that ~~your~~ their line manager is involved in the malpractice being reported or has failed to take appropriate action when the matter has been raised previously, then ~~your~~

their concern should be raised with ~~your~~their Assistant Director, or in the case of school based staff, the Chair of Governors.

4.2 It is, however, appreciated that there may be times when ~~an~~employeewhistleblowers feels unable to use the above procedure; the issue may involve line managers and senior officers (e.g. AD or Director) or the issue was already raised through the normal channels but had not been addressed or resolved. In these cases the ~~y~~employees can contact the Council's independent whistleblowing hotline on 0800 9179 247, which is overseen by Veritau Ltd.

4.3 If anonymous concerns are raised through social media then they will be considered under the more general counter fraud framework or complaints policy unless it is beyond doubt that the person raising the concern is an employee or contractor of the Council.

5.0 HOW THE COUNCIL WILL RESPOND

5.1 All whistleblowing reports will be carefully considered and initial enquiries will be made to help decide whether an investigation is appropriate, and if so what form it should take.

5.2 ~~The line manager or the officer who has been assigned~~council will aim to acknowledge all whistleblowing reports within two working days. The officer(s) assigned to~~to~~ carry out the whistleblowing investigation will endeavour to write or speak to the whistleblower promptly within 10 working days to acknowledge that the concern has been received to provide additional information on how the investigation will progress.

5.3 Officers assigned to investigate a whistleblowing report will be determined by the nature of the report, e.g. safety issues could be investigated by the Health & Safety Team, alleged fraud or criminality by the Counter Fraud Team, employment issues by a manager from another service with support from Human Resources.

5.4 The amount of contact between the officers considering the issues and the whistleblower, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the whistleblower.

5.5 If a face to face meeting is necessary or desirable the whistleblower has the right, if they so wish, to be accompanied by a Union representative or a colleague who is not involved in the area of work to which the concern relates.

- 5.6 The Council will, as far as it is able, take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will, where appropriate and as far as it is able to do so, provide advice about the [procedure process](#).
- 5.7 The Council accepts the whistleblower needs to be assured that the matter has been [properly](#) addressed. Thus, subject to any legal constraints, e.g. data protection, information about the outcomes of any investigations will be provided.
- 5.8 All whistleblowing reports will be logged centrally. The chief executive, section 151 officer and monitoring officer will be notified of relevant whistleblowing reports. Numbers of whistleblowing reports and significant trends in reporting will be reported annually to the Audit and Governance Committee.

6.0 HOW MATTERS CAN BE TAKEN FURTHER

- 6.1 This policy is intended to provide staff with an appropriate avenue to raise concerns within the Council. If employees have reported concerns in accordance with the Council's whistleblowing policy but are not satisfied that the issues have been properly addressed then they may contact:
- The Council's External Auditor - Mazars⁴;
 - The NSPCC or Ofsted (for concerns about children at risk of abuse)⁵;
 - Relevant professional bodies or regulatory organisations⁶, for example, the Information Commissioner's Office, Care and Quality Commission (CQC), and the Health and Safety Executive.
- 6.2 Disclosure of a concern to a non-prescribed body (e.g. newspapers or social media) is not covered by whistleblowing legislation and the protections it offers. Before undertaking this type of action it is recommended that staff seek specialist advice.

7.0 INDEPENDENT ADVICE

- 7.1 Free confidential advice on how to raise a concern about malpractice at work can be sought from the independent charity Public Concern at Work

⁴ Mazars act as the council's external auditor (see www.mazars.co.uk for further details).

⁵ The NSPCC and Ofsted offer dedicated national whistleblowing hotlines (see www.nspcc.org.uk and www.gov.uk/government/organisations/ofsted for further details).

⁶ The Department for Business, Innovations and Skills maintains a list of prescribed persons and organisations who may be contacted, www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies.

on 0207 4046609, at www.pcaw.co.uk, or via email whistle@pcaw.co.uk.
Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

8.0 REVIEW OF THE POLICY

- 8.1 The Policy will be reviewed at least every 3 years or when significant changes to whistleblowing legislation, the organisation or case law occurs.



Managers Guidance on Whistleblowing

1.0 Introduction

- 1.1 The Council's whistleblowing policy is designed to encourage and support employees and contractors in expressing their concerns about the workplace.
- 1.2 All Council employees in managerial or supervisory positions are expected to take employee concerns seriously and follow the process set out in this guidance.

2.0 What is a whistleblowing complaint?

- 2.1 Any concern about working practices or malpractice that is reported in confidence should be considered under the whistleblowing policy. It is not necessary for a member of staff or contractor to use the term "whistleblowing" in order for a report to be considered under the policy.
- 2.2 Whistleblowing relates to concern for others rather than oneself. If a member of staff is reporting that they solely have been mistreated, then this should be considered under other Council policies, e.g. Grievance Procedure.
- 2.3 Whistleblowing reports must come from Council workers (including temporary members of staff and contractors). Reports from members of the public are not considered to be whistleblowing and should be directed to the Council's Complaints and Feedback Team [or the counter fraud hotline](#).
- 2.4 Whistleblowing reports ~~can be made anonymously however~~ [are often made anonymously. However, where possible \(e.g. where reports are taken over the phone or by email on the phone\)](#) the person making it should be informed that reporting concerns in this way ~~carries less weight~~ [may make it more difficult to follow up](#) (see section 3.5 of the whistleblowing policy).
- 2.5 Any report that falls within the categories set out by legislation (see section 2.4 of the whistleblowing policy) afford the whistleblower protection under law. It is important to make this determination at an early stage in order to ensure that the whistleblower is given correct advice and the Council acts in accordance with legislation.
- 2.6 [Concerns or complaints raised about councillors are not covered by the whistleblowing policy, but rather come under Standards procedures. Any issues relating to councillors should be referred to the Monitoring Officer for advice.](#)

2.76 If, after consulting the whistleblowing policy, there is a doubt as to whether a report constitutes whistleblowing then advice should be sought from Veritau and/or the Human Resources department in order to reach a conclusion.

3.0 Reporting receipt of a whistleblowing concern

3.1 All whistleblowing reports should immediately be reported to three parties:

- Assistant Director in charge of area or Chair of Governors in the case of a school.
- Human Resources advisor responsible for area;
- Veritau – Internal Audit & Counter Fraud Service⁷.

3.2 If the report involves any of the people or groups named above then the report should be escalated to a more senior officer, e.g. Director, Chief Executive, Head of Internal Audit, or Assistant Director for Education (in the case of schools).

3.3 Veritau maintains the Council's central log of all whistleblowing reports. They should be updated at the beginning and the end of any whistleblowing investigation in order to keep a complete record of the report and how it was dealt with.

3.4 In some cases, the details of the initial report will be sufficient to determine that it will not fall under whistleblowing policy. In this situation the member of staff making the report should be informed of the reasons why their concern is not covered and be signposted to an alternative route. A record of this discussion should be kept and an outline of the matter should be sent to Veritau to be entered in the central log.

4.0 Taking a concern forward

4.1 The person who first receives the whistleblowing report (i.e. supervisor or manager) should acknowledge the report immediately and arrange a meeting with the whistleblower as soon as possible (~~ideally within 10 days,~~ see section 5.2 of the whistleblowing policy) to gather additional information on the report issues. This meeting should flesh out the initial report and help determine how the report issue should be investigated.

4.2 This initial meeting can be done in person, in or outside Council offices, or via telephone. It is important to find an environment that the member of staff feels comfortable with. They may be supported by a trade union

⁷ Veritau should be contacted via whistleblowing@veritau.co.uk

representative or colleague. A note taker can be brought to the meeting with prior agreement from the whistleblower.

- 4.3 If anonymity is requested then every effort should be made to keep the whistleblower's identity concealed. Anonymity however cannot be guaranteed. If there is a possibility due to the circumstances of the report that the whistleblower's identity will become known, then they should be advised of this at the earliest possible stage.

4.4 All information relating to a whistleblowing report and any information gathered during an investigation should be kept confidentially. Information should be shared on a strictly need to know basis.

- 4.54 A record of this meeting should be written either contemporaneously or shortly following the meeting. These notes must be kept securely.

- 4.65 No commitments should be made about the process or outcome of the whistleblowing report, however they should be reassured that their concerns will be taken seriously.

- 4.76 Following the meeting further details should be provided to the Assistant Director (or more senior manager) in charge of the area and Veritau. The relevant Assistant Director (or more senior manager), with advice from Veritau, will assign the investigation to a suitable person. This may be the manager who initially took the whistleblowing report or a member of staff from another area. In cases of potential criminality or health and safety then Veritau and the Health and Safety Team respectively will normally take the responsibility for investigating the concern.

5.0 **Conducting an investigation**

- 5.1 At the outset of an investigation the person responsible for looking into the concern should inform the whistleblower that they are taking the matter forward.

- 5.2 Updates during the course of the investigation should be provided to the whistleblower but only if it is appropriate (e.g. is data protection observed) and does not prejudice the investigation. If this is the case then it may be appropriate to only update the whistleblower once the investigation has concluded.

- 5.3 It is advisable that notes are taken throughout the investigative process in terms of actions taken and conclusions reached.

- 5.4 The anonymity of the whistleblower should be considered before any and all actions are taken in connection with the investigation. If a situation

arises where it is not possible to resolve the whistleblowing report without the identity of the whistleblower becoming known, then this should be reported to and discussed with that person before the action is taken. The person's name should only be made known to other employees on a need to know basis. Equally if the whistleblowing report is about a specific person then that person's identity should be also be protected.

5.5 Investigations instigated following a whistleblowing report should be dealt with as quickly as possible. Appropriate levels of resource should be made available to deal with the matter expeditiously. Where a whistleblowing investigation leads to other council processes being required (e.g. a disciplinary investigation) then relevant officers should be made aware at an early stage.

5.6 At the conclusion of an investigation a report should be drafted outlining any supporting or non-supporting evidence, conclusions reached, and recommendations. This report should be sent to the senior responsible manager (ie Assistant Director), Veritau, and if relevant the HR advisor assigned to the case.

6.0 **Special Circumstances**

Anonymous Concerns

6.1 If a concern has been made anonymously then it must still be treated as credible and dealt with through the procedure detailed in this guidance.

Victimisation

6.2 If the whistleblower reports that their identity has become known and they are being victimised then this should be reported to the relevant HR advisor as soon as possible. The Council may be in contravention of whistleblowing legislation if action is not taken to address this.

Vexatious / Malicious reports

6.3 If a whistleblower acts in bad faith or raises malicious, vexatious, or knowingly untrue concerns in order to harm colleagues, their department or the Council then they will may face disciplinary action. If you suspect this is the case then this should be reported to the relevant HR advisor as soon as possible.

External Disclosures

6.4 It is important to be supportive and encouraging to those raising a concern. However, if an employee indicates that they are considering taking their concerns outside of the Council, for example to the media or social networking sites, you should advise them that:

- you will not be able to support them if they do so;

- external disclosures to outside bodies may not be covered by the whistleblowing policy and relevant legislation;
- their actions may represent an unauthorised disclosure;
- they could jeopardise any legal protection they may have; and
- they could face disciplinary action themselves.

6.5 If a whistleblower does make an external disclosure then this should be reported to the relevant HR advisor and Veritau as soon as possible. Some types of disclosure are covered by national legislation but a consideration of whether this was an appropriate action should be considered on a case by case basis.

Support

6.6 If you have any queries or issues concerning whistleblowing then seek advice from your manager, the HR department or Veritau.

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Audit & Governance Committee

4 December 2019

Report of the Head of Communications

Social Media Policy and Process – a Review

Summary

1. This report describes implementation of the social media policy and process, and impact to date, and also provides an update on the media protocol.
2. This is in accordance with the request by the then Audit and Governance Committee which was consulted on draft versions of both documents at its meeting on 21st June 2017. Members asked for an *'update report on the implementation of these policies be brought back to committee'*.

Recommendations

3.
 - a) To note progress of the implementation of the social media policy and process and next steps.
 - b) To note progress of the media protocol.

Background

4. In October 2019, the Parliament's Human Rights Committee found a rise in threats to MPs, from letters, meetings and social media <https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2017/democracy-freedom-of-expression-report-published-19-20/>. Recommendations include :

- social media companies devoting significantly more resources to ensuring their platforms are safe

- responsibility for preventing and taking down harmful content must lie more squarely with those who profit from it
 - social media companies need to respect the laws of the countries in which they operate
5. The council's social media policy and process reflects these recommendations and those of the Centre for Countering Digital Hate www.counterhate.co.uk, which provides practical tips to deal with such behaviour.
 6. The City of York Council has 81 social media accounts managed by 53 officers. The Communications Team is responsible for corporate sites, the gritter twitter account and has access to some others in case of emergency.

Account	Facebook	Twitter	Instagram
Number of accounts	17	61	3
*All followers	23,104	127,153	1,494
*Corporate followers	8,892	42,400	1,043
%corporate followers	38%	33%	69%

(*data collated June 2019)

7. The draft Social Media Policy was shared with Audit and Governance (A&G) committee on 21 June 2017:
<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=9776&Ver=4>
8. The decision to publish was made as a non key routine officer decision as per the council's constitution. As per paragraph 1: for information/comment prior to approval by the Chief Executive.
9. Following consultation with the previous administration and Scrutiny members, the social media policy and process was developed, with the current versions of the City of York Council social media policy and process approved by the Chief Executive in her decision of 10 April 2018. They are available here:
www.york.gov.uk/downloads/download/2479/social_media_policy_and_process.

10. The social media policy and process has attracted some negative attention. There has been challenge on social media surrounding whether the policy and process infringes an individual's human rights or, via a Freedom of Information request, challenging the legitimacy of the approval process.

Implementation

11. The council e-communications policy has been updated to reflect the social media policy and process.
12. HR policies are being updated to recognise the duty of care between the council and employees as a result of negative social media interest.
13. The legal position has been confirmed. No human rights are restricted. The council is not restricting what people choose to say about the council, only what they say on council social media accounts.
14. Council corporate social media accounts have been updated to make clear the council website (www.york.gov.uk) is the source of information about the council, with social media accounts used to engage residents/stakeholders only.
15. A social media plan has been drafted to propose management of the 81 social media accounts. This includes providing a common approach to evaluating impact and managing inappropriate behaviour.
16. Throughout 2018 training took place with officers and members to provide an update about the new policy and process, explain account holders responsibilities and the steps people can take to mitigate the impact of negative social media activity. This training was repeated for new members in June 2019.
17. Corporate social media sites are monitored by Meltwater on the council's behalf, with monthly evaluation reports shared with Executive and CMT. This includes sentiment and volume, with information from blocked accounts included, see below quarterly report:

	Qtr 3 18/19	Qtr 4 18/19	Qtr 1 19/20	Qtr 2 19/20
Positive	69%	58%	64%	64%
Negative	31%	42%	36%	36%
Social reach (m)	57.4	41.7	39.3	35.9
Social volume (k)	12.89	12.19	12.38	11.04

Managing inappropriate behaviour

18. Since April 2018, the Communications team maintain a record of accounts which are blocked and/or social media posts that infringe the policy and as a result, receive a first warning.
19. In September 2019, the first social media panel was held. It was chaired by the Corporate Director Economy and Place, who was joined by an independent member and the Head of Communications.
20. At the social media panel, blocked accounts were reviewed. It was agreed that:
 - Where accounts were no longer live, no further action could be taken.
 - Where accounts no longer infringed the policy, they were unblocked and account holders were contacted to confirm.
 - Where accounts continue to infringe the policy they remain blocked. Accounts are contacted where these details are available to inform them of this decision and how their contacts with the council will be managed
21. The majority of York residents use social media appropriately and constructively. Since the panel was held, no further posts have led to the recommendation to block an account but a small number have been contacted with a first warning, because of:
 - Threatening or offensive comments directed at an officer.
 - Providing personal information about an officer.
 - Providing personal information about another resident.

22. These accounts either reposted the post without the inappropriate comment or deleted the post.
23. In addition, with the policy and process providing guidance, a few accounts have been contacted to request a repost as a result of inappropriate language.
24. By having a policy and process in place, officers have a framework to address inappropriate comments quickly.

Next steps

25. Audit and Governance Committee are asked to note the below next steps:
 - a) Given the low number of residents who infringe the policy and because since implementation, all have positively responded to a first warning, we will continue with the implementation of the social media policy and process.
 - b) However, with 81 different social media accounts, to ensure the management of social media is consistent across all accounts, we will progress a review and implementation of the plan to manage council social media accounts.

Media protocol

26. The media protocol is an internal protocol that confirms the principles which govern the approach taken by the communications team to publicise the work of the council when responding on behalf of a joint administration.
27. At the Audit and Governance Committee, 27 June 2017, the draft media protocol was discussed, with suggested edits provided by committee members.
<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=9776&Ver=4>
28. The media protocol was updated to reflect these comments and published following Chief Executive approval.
29. It was updated again in October 2019 and published following approval by the Chief Executive.
https://www.york.gov.uk/downloads/file/15268/media_protocol_-_october_2019

Risks

30. Managing social media activity on council social media accounts is perceived as infringing human rights – The Parliament Human Rights Committee has demanded more of social media owners and the council policy reflects this.
31. The volume of inappropriate comments leads to an onerous process that is impossible to resource – there are only a handful of residents who are either unaware of the policy, and quickly respond when contacted, or continue to attempt to divert resources from higher priorities and would continue to do so without a policy in place.
32. Council employees are uncomfortable responding to or using social media – the policy provides a framework that supports officers appropriately respond to inappropriate comments, with training in place for new officers.

Council Plan

33. This policy and process supports the council plan.

Specialist Implications:

34.

- **Financial:** no financial implications
- **Human Resources (HR):** HR policies are being updated to reflect the social media policy and process
- **Equalities:** The policy and process is applied equally to all residents and as a result, has not required an Equality Impact Assessment. All data published in this report is covered by the council Communications Privacy Statement:
https://www.york.gov.uk/info/20247/website/2263/communications_privacy_notice
- **Legal:** Human Rights Legislation and the Malicious Communications Act are reflected in the council social media policy and process

Contact Details

Authors:

Claire Foale
Head of Communications

Chief Officers Responsible for the report:

Pauline Stuchfield
Assistant Director, Customer and Digital Services

**Report
Approved**

Date 25/11/19

Specialist Implications Officer(s)

Legal and Governance – Suzan Harrington
Social Media Panel – Neil Ferris
HR – Trudy Forster

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

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Audit and Governance Committee

4 December 2019

Report of the Corporate Finance and Commercial Procurement Manager
(Interim S151 officer)

Audit & Governance Committee Forward Plan to September 2020**Summary**

1. This paper presents the future plan of reports expected to be presented to the Committee during the forthcoming year to September 2020.

Background

2. There are to be six fixed meetings of the Committee in a municipal year. To assist members in their work, attached as an annex is the indicative rolling forward plan for meetings up to September 2020. This may be subject to change depending on key internal control and governance developments at the time. A rolling forward plan of the Committee will be reported at every meeting reflecting any known changes.
3. A number of amendments have been made to the forward plan since the last version was presented to the Committee in September. A report on the project management of corporate projects, and a report on Minutes for Council meetings have both been added to the Agenda for the next meeting in February.
4. An additional meeting has been added to the forward plan in March to allow Members sufficient time to consider the review of the constitution.

Consultation

5. The forward plan is subject to discussion by members at each meeting, has been discussed with the Chair of the Committee and key corporate officers.

Options

6. Not relevant for the purpose of the report.

Analysis

7. Not relevant for the purpose of the report.

Council Plan

8. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

Implications

9.
 - (a) **Financial** - There are no implications
 - (b) **Human Resources (HR)** - There are no implications
 - (c) **Equalities** - There are no implications
 - (d) **Legal** - There are no implications
 - (e) **Crime and Disorder** - There are no implications
 - (f) **Information Technology (IT)** - There are no implications
 - (g) **Property** - There are no implications

Risk Management

10. By not complying with the requirements of this report, the council will fail to have in place adequate scrutiny of its internal control environment and governance arrangements, and it will also fail to properly comply with legislative and best practice requirements.

Recommendations

11.
 - (a) The Committee's forward plan for the period up to September 2020 be noted.

Reason

To ensure the Committee receives regular reports in accordance with the functions of an effective audit committee.

- (b) Members identify any further items they wish to add to the Forward Plan.

Reason

To ensure the Committee can seek assurances on any aspect of the council's internal control environment in accordance with its roles and responsibilities.

Contact Details

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Chief Officer Responsible for the report:

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Corporate Finance & Commercial
Procurement Manager
(Interim S151 officer)
Telephone: 01904 551100

**Report
Approved**



Date

Specialist Implications Officers

None

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers:

None

Annex

Audit & Governance Committee Forward Plan to September 2020

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Audit & Governance Committee Draft Forward Plan to September 2020

Training/briefing events will be held at appropriate points in the year to support members in their role on the Committee.

Item	Lead officers	Other contributing Organisations	Scope
Committee 5th February 2020			
Scrutiny of the Treasury Management strategy statement and Prudential indicators	<u>CYC</u> Debbie Mitchell		To provide an update on treasury management activity for the first six months of 2018/19
Corporate Management of Major projects	<u>CYC</u> Dave Atkinson		To provide members with an overview on how capital projects are managed
Mazars Audit Progress Report	<u>Mazars</u> – Mark Dalton/ Mark Kirkham		To present a report summarising the outcome of the 2017/18 audit and work on the value for money conclusion.
Counter Fraud: Risk Assessment & Review of policies	<u>Veritau</u> – Max Thomas/ Richard Smith		An update to the committee on counter fraud arrangements and action taken as part of the counter fraud strategy. To include a review of the fraud risk assessment and any updates to the counter fraud strategy and policy.
Audit & Counter Fraud Plan & Consultation	<u>Veritau</u> – Max Thomas/ Richard Smith		Consultation with the committee on its priorities for internal audit and counter fraud work for 2019/20.
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.

Minutes for City of York Council Meetings	<u>CYC</u> Dawn Steel		To present a report on the process for minuting City of York Council meetings
Additional Meeting – 11th March 2020			
Review of the Constitution	<u>CYC</u> Suzanne Harrington		Additional meeting held to facilitate the review of the Constitution
Committee 8th April 2020			
Key Corporate Risks Monitor 4	<u>CYC</u> Sarah Kirby		Update on Key Corporate Risks (KCRs) including: KCR 9 - COMMUNITIES: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services
Mazars Audit Progress Report	<u>Mazars</u> – Mark Kirkham, Mark Dalton		To present a report summarising the outcome of the 2018/19 audit and work on the value for money conclusion.
Internal Audit Follow up of Audit Recommendations Report	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		This is the regular six monthly report to the committee setting out progress made by council departments in implementing actions agreed as part of internal audit work
Internal Audit & Fraud Plan Progress Report	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		An update on progress made in delivering the internal audit work plan for 2019/20 and on current counter fraud activity
Approval of Internal Audit Plan	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.
Committee June 2020			

Draft Statement of Accounts incl. Annual Governance Statement	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To present the draft Statement of Accounts to the Committee prior to the 2018/19 Audit including the Annual Governance Statement
Annual Report of the Audit & Governance Committee	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To seek Members' views on the draft annual report of the Audit and Governance Committee for the year ended March 2020, prior to its submission to Full Council.
Treasury Management Outturn Report	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To provide Members with an update on the Treasury Management Outturn position for 2019/20.
Key Corporate Risks Monitor 1	<u>CYC</u> Sarah Kirby		Update on Key Corporate Risks (KCRs) including: KCR 10
Mazars Audit Progress Report	<u>Mazars</u> – Mark Kirkham, Mark Dalton		Update report from external auditors detailing progress in delivering their responsibilities as the Council's external auditors
Annual Report of the Head of Internal Audit	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		This report will summarise the outcome of audit and counter fraud work undertaken in 2018/19 and provide an opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and internal control
Committee July 2020			
Mazars Audit Completion Report	<u>Mazars</u> – Mark Kirkham		Report from the Councils external auditors setting out the findings of the 2019/20 Audit.
Final Statement of Accounts	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To present the final audited Statement of Accounts following the 2019/20 Audit.
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.
Committee Sept 2020			

Mazars Annual Audit Letter	<u>Mazars</u> – Mark Kirkham		Report from the Councils external auditors setting out the findings of the 2019/20 Audit.
Key Corporate Risks monitor 2	<u>CYC</u> Sarah Kirby		Update on Key Corporate Risks (KCRs) including: KCR 10
Internal Audit Follow up of Audit Recommendations Report	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		This is the regular six monthly report to the committee setting out progress made by council departments in implementing actions agreed as part of internal audit work
Internal Audit & Fraud Plan & Progress report	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		An update on progress made in delivering the internal audit work plan for 2019/20 and on current counter fraud activity
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.
Other Items to be brought to the Committee - date			