

AUDIT & GOVERNANCE COMMITTEE

7 September 2022

Report of the Director of Governance & Monitoring Officer

Review of the Council's Constitution

Summary

Following significant work undertaken by the Audit & Governance Committee, Full Council approved the revised constitution on 27th April 2022, with implementation to commence from 26th May 2022 to coincide with Annual Council.

Full Council was invited to consider and approve amendments to the Constitution at its meeting on 14th July 2022 and these are now reported retrospectively for noting by the Audit & Governance Committee.

The Committee is also invited to note updated arrangements for the appointment of Caldicott Guardians for the Council and as such the technical changes to be made by the Monitoring Officer to Appendix One of the Constitution.

Recommendations

The Committee is invited to note the amendments approved by Full Council on 14th July 2022, as detailed within the report at Annex One.

To note the revised arrangements for the appointment of the Council's Caldicott Guardians and to note the technical changes to be made by the Monitoring Officer in Appendix One: Scheme of Delegation.

Reasons for the recommendations

To ensure that the Council's Constitution is accurate and is fit for purpose to effectively support the service delivery and decision making responsibilities of the Council in a lawful and financially compliant manner.

The Council is required to work towards the delivery of the Action Plan in response to the Public Interest Report.

The Council is required to appoint Caldicott Guardians.

Options

As the decisions have already been made by Full Council, the Audit & Governance Committee has no option available to it other than to note the contents of this report.

Background

The revised Constitution was approved by Full Council for implementation on 26th May 2022. It is good practice and contributes towards the embedding of good governance to ensure that the Constitution remains under review and fit for purpose so as to ensure the effective delivery of services.

The report which appears at Annex One details the most recent changes required to the Constitution which were approved by Full Council on 14th July 2022.

With the Corporate Director of Children & Education recently taking up his post, it is now necessary to review the appointment of Caldicott Guardian's for the Council.

At present the Caldicott Guardian is the Director of Public Health and it is therefore proposed that the following will act as Caldicott Guardians:

- Corporate Director for Adult Social Care & Integration
- Corporate Director for Children & Education; and
- Director of Public Health.

The appointment of Caldicott Guardian is a statutory function and the UK Caldicott Guardian Council guidance stipulates that the appointees must be senior officers responsible for protecting the confidentiality of people's health and care information and making sure it is used properly.

These appointments are made with the approval of the Chief Operating Officer and Head of Paid Service. Due to this being a technical change to the constitution it is proposed that the Monitoring Officer will amend Appendix One; Scheme of Delegation to reflect the appointments.

Implications

Financial

There are no financial costs associated with this report.

Human Resources (HR)

There are none directly associated with this report. However the Head of Human Resources has been consulted and does support the Head of Paid Service's changes to the appointments of Caldicott Guardian.

Equalities

The Council's Constitution is a public document and steps must be taken to ensure that it is easily accessible on the Council's website. Wherever possible the revised constitution has been written in plain English to ensure that it is capable of being easily understood.

Legal

The Council is required to appoint suitably qualified and experienced Officers as Caldicott Guardians. A Caldicott Guardian is a senior officer responsible for protecting the confidentiality of people's health and care information and making sure it is used properly. The identity of the Council's Caldicott Guardians should be detailed within the constitution and for City of York this will be incorporated into Appendix One: Scheme of Delegation.

It is good practice to ensure that, once adopted, the constitution is regularly reviewed so as to ensure that it remains fit for purpose to support effective delivery of council services and promote robust decision-making principles.

The Council's Constitution is a public document and steps must be taken to ensure is it is accessible on the Council's website.

Crime and Disorder, Information Technology and Property

There are no crime and disorder or property implications associated with this report.

Author & Chief Officer responsible for the report: Janie Berry, Director of Governance & Monitoring Officer

**Report
Approved**

Date 12th August
2022

Specialist Implications Officer(s):

Janie Berry, Director of Governance
Debbie Mitchell, Chief Finance Officer
Helen Whiting, Head of Human Resources

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

All

For further information please contact the author of the report:
Janie Berry

Background Papers:

- The Council's Constitution
- Agenda, Reports and Minutes of Full Council held on 14th July 2022
- Link to the Caldicott Guardian national guidance:
<https://www.gov.uk/government/publications/national-data-guardian-guidance-on-the-appointment-of-caldicott-guardians-their-role-and-responsibilities>

Appendix

- Appendix A – Report to Full Council on 14th July 2022