



Notice of a public meeting of

Audit and Governance Committee

- To:** Councillors Fisher (Vice-Chair), Lomas (Chair), Wann, Webb, Musson, Cuthbertson and Baker
- Date:** Wednesday, 7 September 2022
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Minutes (Pages 1 - 6)

To approve and sign the minutes of the meeting held on 29 June 2022.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering is 5.00pm on Monday 5 September 2022 Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda. Webcasting of Public Meetings Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission.

The public meeting can be viewed on demand at www.york.gov.uk/webcasts. During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on 5 September 2022.

4. Key Corporate Risks monitor 1 (Pages 7 - 44)

This report present updates the Committee on the key corporate risks for City of York Council.

5. Embedding Good Governance (Pages 45 - 54)

During the previous municipal year, the Audit & Governance Committee requested the assistance of the Local government Association to offer external support in assurance monitoring against the delivery of the Action Plan. The Local Government Association's scoping report was approved by the committee on 29th September 2021 and their second report is now available for consideration.

6. Exit Strategies Guidance (Pages 55 - 100)

This report provides the Committee with the Council's response to DLUHC's publication on 12th May 2022 of "Statutory Guidance on the making and disclosure of special severance payments by local authorities in England".

7. Amendments to the Constitution (Pages 101 - 136)

This report provides the Committee with an update on amendments to the Constitution.

8. Audit and Governance Work Plan (Pages 137 - 140)

To receive a plan of reports currently expected to be presented to future meetings of the Committee up to March 2023.

9. Urgent Business

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

Democracy Officer:

Telephone: (01904) 551088

Email: democratic.services@york.gov.uk

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.

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City of York Council

Committee Minutes

Meeting	Audit And Governance Committee
Date	29 June 2022
Present	Councillors Fisher (Vice-Chair), Lomas (Chair), Wann, Musson, Looker (Substitute) And Cuthbertson Officers Janie Berry Director Of Governance, Debbie Mitchell Chief Finance Officer, Lorraine Lunt Information Governance & Feedback Team Manager, Cath Murray Corporate Governance Operational Manager Max Thomas Head Of Internal Audit Veritau Limited, Mark Outterside Senior Manager Mazars
Apologies	Councillors Baker And Webb

1. DECLARATIONS OF INTEREST (17:32)

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.

2. MINUTES (17:33)

Resolved: That the minutes of the meeting held on 29 April 2022 be approved and then signed by the Chair as a correct record.

3. PUBLIC PARTICIPATION (17:34)

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Andy Mendus noted his hopes that the two new independent members are excellent in their roles. He made note that there were still fewer internal audits since the pandemic started

compared to prior. Finally he enquired whether the Committee were content with the Highways CDM (Construction, Design and Management) Regulations internal audit being given reasonable assurance considering the issues highlighted in the report.

4. CORPORATE GOVERNANCE REPORT (17:37)

The Committee considered the report providing an update on the Corporate Governance of the Council from April 2021 to March 2022. Members were informed that the pandemic had impacted responses in time to requests for information such as freedom of information requests. The Committee also discussed the Information Commissions Ombudsman report that the Council received which partially upheld a complaint. Members discussed whether a piece of work should be undertaken in relation to complaints received regarding parking and agreed to recommend this to the Council's Customer and Corporate Services Scrutiny Management Committee (CCSMC).

Resolved:

- i. That the Committee request that CCSMC review how the Council issues parking permits.

Reason: To ensure the Council is performing its governance duties effectively.

5. ANNUAL REPORT OF THE HEAD OF INTERNAL AUDIT (17:47)

The Committee were provided with both the annual internal audit report and annual counter fraud report. The Committee enquired about a number of the audit report assessments, such as, Highways CDM (Construction, Design and Management) Regulations. Members raised questions regarding why considering the report it achieved a reasonable assurance. It was confirmed in report the Highways CDM Regulations internal audit considered that while there were issues on balance they felt comfortable assigning a reasonable assurance, they also confirmed that they intended to perform a follow up audit.

It was confirmed that internal audit only gave an official opinion on audits which were wide enough in scope, therefore work on

absence management did not have an opinion provided. The Committee highlighted that the Council had recently been found to require improvement by Ofsted and asked why internal audit had given SEN Ofsted Inspection & written statement of action (WSoA) substantial assurance. Internal audit confirmed that their assurance was in relation to the delivery of the action plan not the service itself. In relation to Children's Services it was confirmed that the Council had provided the Department of Education and Ofsted a written statement of actions to improve which both were currently content with.

Resolved:

- i. Noted the results of internal audit and counter fraud work undertaken.

Reason: To enable members to consider the implications of internal audit findings, and inform their assessment of the effectiveness of counter fraud arrangements.

- ii. Noted the opinion of the Head of Internal Audit on the adequacy and effectiveness of the council's framework of governance, risk management and internal control .

Reason: To enable members to consider the implications of internal audit findings.

- iii. Noted the outcome of the Quality Assurance and Improvement Programme and the confirmation that the internal audit service conforms with Public Sector Internal Audit Standards.

Reason: To enable members to consider the opinion of the Head of Internal Audit.

- iv. Noted that no significant control weaknesses have been identified by internal audit during the year which are relevant to the preparation of the Annual Governance Statement.

Reason: To enable the Annual Governance Statement to be prepared.

6. TREASURY MANAGEMENT OUTTURN (18:01)

The Committee considered and noted the Treasury Management Annual report and reviewed of Prudential Indicators for 2021/22.

Resolved:

- i. Noted the Treasury Management Annual Report and Review of Prudential Indicators 2021/22.

Reason: That those responsible for scrutiny and governance arrangements are updated on a regular basis to ensure that those implementing policies and executing transactions have properly fulfilled their responsibilities with regard to delegation and reporting.

7. STATEMENT OF ACCOUNTS 2021/22 (18:03)

Officers introduced the statement of accounts for 2021/22, it was confirmed that the accounts were with external audit and should expect external audit to bring their assessment to the Committee later in the year. The Committee considered the accounts and raised several questions related to how pension liabilities are presented in the account. It was agreed that the Committee would benefit from a briefing with officers around Council pensions.

Resolved:

- i. Noted the draft pre-audit statement of accounts, for the financial year ended 31 March 2022.

Reason: To ensure that, in line with best practice, Members have had the opportunity to review the draft pre-audit Statement of Accounts.

8. MAZARS AUDIT STRATEGY MEMORANDUM (18:15)

The committee considered and noted Mazars audit approach.

Resolved:

- i. Noted the matters set out in the Audit Progress Report presented by the external auditor.

Reason: To ensure the proper consideration of the progress of the external auditor in respect of the annual audit of accounts and review of the council's arrangements for ensuring value for money.

9. AUDIT AND GOVERNANCE WORK PLAN (18:21)

It was agreed that the provisional 13 July 2022 meeting be cancelled as this date was now not required by the Committee. It was confirmed that the Local Government Association would be able to attend the Committee on 7 September 2022 and the report on Exit Strategies could also be considered on 7 September 2022. Finally the Committee agreed to merge the January meetings of the Committee with all items currently scheduled for 4 January 2022 to be added to the 18 January 2022 meeting.

Resolved:

- i. An updated work plan to be circulated to the Committee.

Reason: To ensure the Committee has a plan of work for 2022-23.

Cllr Lomas, Chair

[The meeting started at 5.30 pm and finished at 6.30 pm].

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Audit & Governance Committee**7 September 2022**

Report of the Chief Finance Officer

Monitor 1 2022/23 - 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.

Background

2. 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
3. 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
4. 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).
5. 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.

6. 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 and discussed quarterly with CMT and Portfolio Holders.

Key Corporate Risk (KCR) update

7. There are currently 12 KCRs which are included at Annex A in further detail, alongside progress to addressing the risks.
8. Annex B is a one page summary of all the KCR's and their current gross and net risk ratings.
9. 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.

10. 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 C for reference.

11. 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					
Major			6 (6)	1 (1)	
Moderate		1 (1)	3 (3)	1 (1)	
Minor					
Insignificant					
Likelihood	Remote	Unlikely	Possible	Probable	Highly Probable

12. 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 KCRs 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 risks, actions and controls

13. KCR1 – Financial Pressures. The council continues to recognise the risk of the current conditions in the UK economy including the increasing inflation rate which is creating greater cost pressures for the Council. As such a new risk and implication has been added to reflect the trend in interest rates rises that is forecast to continue until September 2023.

14. KCR2 – Governance. The outstanding action to review the Constitution has now been completed. A revised date has been added to the action to finalise the member development and training programme; a draft is under consultation.

15. KCR6 Health & Wellbeing. The risk details and controls have been updated for this risk now that we have moved into a new phase of living with Covid 19.

16. KCR9 – Communities. Revised dates have been added to the two actions (recruit to the Access Officer role and approve the Financial Inclusion Framework). Updates have been made to the risk detail in respect of the cost of living crisis. At present the risk score overall for the KCR remains unchanged but will be reviewed again at Monitor 2.
17. KCR10 – Workforce/ Capacity. A revised date has been added to the ongoing action to review HR policies with an update on progress being made. Three new actions have been added: completing a review of employee terms and conditions; implementing new creative recruitment initiatives and the completion of pay award negotiations for 2022/23. At present, the risk ratings remain unchanged and will remain under review during 2022/23.
18. KCR11 – External Market Conditions. A revised date has been added for the market position statement.
19. KCR12 – Response to Major Incidents. The action to review the business continuity plans has been completed. A new risk detail has been added in respect of potential commercial power outages over the Winter months.

Options

20. Not applicable.

Council Plan 2019-2023

21. 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

22. There are no further implications.

Risk Management

23. 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

24. Audit and Governance Committee are asked to:

- (a) consider and comment on the key corporate risks included at Annex A, summarised at Annex B;
- (b) 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

Authors:

Helen Malam
Principal Accountant (Corporate Finance)

Lisa Nyhan
Corporate Risk and Insurance Manager

Chief Officer Responsible for the report:

Debbie Mitchell
Chief Finance Officer

Report
Approved ✓

Date
24/8/22

Specialist Implications Officer(s) None

Wards Affected All

Background Papers None

Annexes

A – Key Corporate Risk Register

B – Summary of Key Corporate Risks

C – Risk Scoring Matrix

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**ANNEX A
KEY CORPORATE RISK REGISTER AT AUGUST 2023**

Changes to Risk Register since Monitor 4

Key Corporate Risk	Changes
KCR1 Financial Pressures	New risk detail and implications (re interest rates)
KCR2 Governance	One action completed, one action updated
KCR3 Effective and Strong Partnerships	New control (ICS)
KCR4 Changing Demographics	None
KCR5 Safeguarding	None
KCR6 Health and Wellbeing	Risk details and controls updated
KCR7 Capital Programme	None
KCR8 Local Plan	None
KCR9 Communities	Revised dates for actions; revised risk detail (re cost of living crisis)
KCR10 Workforce/ Capacity	Revised date for one action; three new actions added
KCR11 External Market Conditions	Revised date for action
KCR12 Major Incidents	New risk detail, action completed

**ANNEX A
KEY CORPORATE RISK REGISTER AT AUGUST 2023**

KCR 1 FINANCIAL PRESSURES: The ongoing government funding cuts and more recently the impact of Covid will continue to have an impact on council services. Over the course of the last 10 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>The spending review is one year only for 2021/22 and 22/23.</p> <p>Financial impact of Covid-19 on Council budgets</p> <p>Financial impact of Covid-19 on the economy as a whole</p> <p>Increased severity and frequency of climate hazard events (e.g. flooding)</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> <p>Covid-19 will result in additional expenditure pressures (eg. Staff, PPE) and a shortfall in income (eg parking, commercial property), which are unlikely</p>	Highly Probable	Major (21)	<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 implications of Covid-19 through budget monitoring and realignment of resources</p> <p>Robust recording of Covid 19 expenditure for DLUHC should increase likelihood of receiving the maximum reimbursement from central government</p> <p>Climate change mitigation and adaptation programme</p>	Probable	Major (20)	New risk	Development of budget strategy for 2023/24 (Debbie Mitchell, 31/01/2023)

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>General cost pressures due to increasing inflation rate (latest figures are 9.4% June 22, expected to increase to 13.3% by Q4 2022)</p> <p>Increased risk of UK recession</p> <p>General cost pressures due to impact of Ukraine conflict.</p> <p>NEW Continued interest rate increases through to Sept 2023</p>	<p>to be fully reimbursed by central government. This will result in potential short term budget pressures which will need to be mitigated by a reduction or reprioritisation of spending or use of reserves. In the long term additional savings will be required and use of reserves will reduce our financial resilience</p> <p>An economic downturn will affect the Council's main sources of funding; reducing business rates income if premises are vacant and reducing council tax income if more individuals require support due to unemployment.</p> <p>Increased cost of responding to emergency situations, as a result of climate change, and impact on service delivery.</p> <p>NEW Increased interest rates and the continued impact of inflation will reduce the overall funding available to the Council and may therefore lead to reductions in service levels in some areas.</p>			Financial Strategy 2022/23 approved				

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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>The initial response to Covid-19 required the Council to put in place urgent decision making guidance to ensure that decisions could be made rapidly, although there was no government guidance until 4 April.</p> <p>The actions to rectify governance weakness agreed by Council in May 2021 in response to the Public Interest Report (PIR) issued in April 2021 will not be achieved.</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) covers a wide range of governance issues, including Covid-19 impacts</p> <p>Ongoing Internal Audit review of information security</p> <p>Health and Safety monitoring in place</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>	Possible	Major (19)	Action completed	<p>COMPLETED Review of Council constitution underway, to report to A&G and Council (Janie Berry 31/5/22)</p> <p>UPDATED A draft member development and training programme covering all aspects of governance and decision making is currently being considered by Chairs of A&G and Joint Standards. Finalised plan will be considered by A&G in December 2022. (Janie Berry 30/12/22)</p> <p>Ongoing review: Implementation and embedding of actions in response to the April 2021 PIR as agreed by Council in May 2021 (Janie Berry 31/12/22)</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	<p>Prohibition notices might be served preventing delivery of some services</p> <p>Prosecution with potential for imprisonment if Corporate Manslaughter</p> <p>Adverse media/ social media coverage</p> <p>Reputational impact</p> <p>Risk of litigation against any decisions taken during the 'emergency' Covid-19 period, although this reduces as time lapses</p> <p>Failure to get sign off of statutory accounts (for governance reasons) if the actions agreed in the PIR report are not complete</p>			<p>Public Protection Annual Control Strategy</p> <p>Additional resource, training and improved processes to deal with FOIA requests</p> <p>All officer and delegated decisions are reported publicly to Executive/ A&G to ensure transparency</p> <p>Ongoing Health and Safety Training programmes at all levels</p> <p>Ongoing regular review of internal audit reviews and recommendations</p> <p>SIRO role has changed to Director of Governance and the relationship between the Senior Information Risk Officer (SIRO) and the Caldicott Guardian is being strengthened</p> <p>Customer Complaints toolkit has been reviewed and reports to A&G</p> <p>Governance training provided for Directors</p> <p>Process for consistent completion of Data Protection</p>				

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Impact Assessments (DPIA) has been circulated across the council</p> <p>The LGA will review and report on the achievement of PIR actions</p> <p>Member training in respect of the Code of Conduct and conflict of interests.</p>				

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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 and Scarborough Teaching Hospitals NHS Foundation Trust (YTHFT) and the Humber and North Yorkshire Health and Care Partnership ICS Board (previously Vale of York Clinical Commissioning Group (VOYCCG), which may have worsened further due to Covid-19</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. CMT identified the 60 organisations who have the most potential to influence or affect organisational aims and priority outcomes for residents, and monitors on a quarterly basis. Each Corporate Director and the Chief Executive lead on specific relationships.</p> <p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG) meet regularly to understand which areas of the council are working with different partners and what is happening across these agendas.</p> <p>There were many positive examples that partnerships worked well together in the event of the Covid-19 emergency and successfully deals with issues; e.g. the YCAB partnership; collaboration with DoE</p> <p>The York Place Board established within the governance structure of the Humber & North Yorkshire ICS (currently called the York Health and Care Alliance) will have an important role in monitoring the effectiveness of</p>	Possible	Moderate (14)	No change	No current actions

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				partnerships locally and delivery of quality services				

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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. 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 worker</p> <p>To ensure that decisions made in relation to Covid- 19 are taken with a recognition of the different impacts on certain demographics</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</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)	No change	No current actions

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Demographic of workforce supply unable to meet workforce demand</p> <p>Failure to plan for the impact of a rapid change in demographics to front line service provision</p> <p>The impact of Covid-19 may disproportionately affect certain demographics; eg BAME and the older community are more likely to suffer health issues, blue badge holders affected by city centre changes, younger people by job losses</p> <p>The impact of Covid-19 accentuates the risk of widening inequalities</p>				<p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG)</p> <p>York Skills Plan</p> <p>The Education Planning Team have completed a review of demographic data to determine the impact on schools</p> <p>Community Impact Assessments are carried out before decision making</p> <p>Redesign and implementation of new arrangements for early help and prevention</p> <p>Ongoing analysis of the Local Plan and Major development projects demographic data to determine the impact on all CYC services.</p>				

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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
<p>Failure to protect a child or vulnerable adult from death or serious harm (where service failure is a factor)</p> <p>Potential for an increased demand on Children's and Adult services after Covid-19 measures are lifted</p>	<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> <p>Financial and resource implications of an increase in demand once the Covid 19 measures are lifted</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	No current actions

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Annual Safeguarding Board annual plan</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>Children's Social Care records system is upgraded. This is monitored by a project board. Ongoing development is planned and awaiting costings.</p> <p>Ongoing work to ensure capacity is assured to enable any increase in demand to be met after Covid-19 restrictions are lifted</p> <p>Use of different methods of contact methods for vulnerable children, such as facetime, alongside working with the DoE and Ofsted</p> <p>Improvement Plan for Children's social care in place since 2020</p> <p>Improvement Plan for Adult Social Care to address current budget pressures in place May 2021</p>				

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

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to protect the health of citizens against preventable disease by ensuring appropriate levels of vaccination, immunisation and screening.</p> <p>Failure to ensure there are plans in place to respond to wide-scale impacts on the health of citizens from future pandemics, infectious diseases and the health impacts of adverse weather impacts</p> <p>The impact of the non or late diagnosis of health issues due to the impact of Covid-19 on health services.</p> <p>Failure to protect citizens from the adverse health impacts of climate change</p> <p>Failure to protect citizens from the adverse impacts of climate change</p>	<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>York Health Protection Committee is in the process of being relaunched with to ensure good engagement with partners locally and regionally.</p> <p>The Health Protection Committee will produce an Annual Health Protection Report for the Health and Wellbeing Board and Health & Adult Social Care Policy and Scrutiny Committee</p> <p>CYC Director of Public Health is co-chair of the recently established Humber and North Yorkshire Health and Care Integrated Care Board Local Health Resilience Partnership.</p> <p>Health protection governance arrangements are subject to regular inspection through the internal audit cycle.</p> <p>Mass vaccination programme for flu and Covid</p> <p>The 2020 to 2022 Director of Public Health Annual Report is focused on the response to the COVID-19 pandemic and makes a number of recommendations. Report will be approved for publication by the council Executive.</p>	Probable	Moderate (15)	No change	<p>No current actions</p> <p>Whilst the Covid pandemic has not been declared over, the Government moves to the next phase of living with Covid from 1st April 2022. Therefore our emergency outbreak response phase is over.</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
		High	High	Climate change mitigation and adaptation programme	Medium	Medium		

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KCR 7 CAPITAL PROGRAMME: Failure to deliver the Capital Programme, which includes high profile projects. The capital programme currently has a budget of £531m from 2022/23 to 2026/27. The schemes range in size and complexity but are currently looking to deliver two very high profile projects, Castle Gateway 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>Cost pressures due to increasing inflation rate (particularly in Construction where 20-30% increase in costs are being seen)</p> <p>NEW Continued interest rate increases through to Sept 2023</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> <p>Pausing or stopping projects as a result of Covid-19 may create some compliance issues and may mean that existing projects require extensions</p> <p>Increased interest rates and the continued impact of inflation will reduce the overall funding available to the Council and may therefore lead to reductions in service levels in some areas.</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 2022/23 to 2026/27 approved in Feb 2022</p> <p>Capital Programmes are sufficiently staffed to deliver to timescales</p> <p>Internal Audit Report gave reasonable assurance on project management arrangements</p> <p>Ongoing procurement and legal review to highlight any issues which may arise as a result of pausing projects due to Covid-19</p>	Possible	Moderate (14)	No change	Development of capital strategy for 2023/24 (Debbie Mitchell, 31/01/2023)

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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 Draft Local Plan has started but not completed 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 withdrawn by Council and submitted again after the evidence base has been updated. In these circumstances the overall risk score remains unchanged.</p>	<p>The Local Plan Examination process continues and the policies in draft Local Plan is a "material planning consideration" in the consideration and determination of planning applications. 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. An "adopted" Local Plan following the Examination by the Planning Inspectors would carry greater weight than the draft Plan.</p> <p>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</p>	Probable	Major (20)	<p>The Plan is at the Hearing stage of the Examination Process (which commenced Dec 2019)</p> <p>Correspondence as to the latest local plan position is regularly published on the Councils website to ensure all parties are kept abreast of the Planning Inspector and CYC dialogue.</p> <p>The plan following national guidance, good practice and specialist legal advice.</p> <p>Continued close liaison with:</p> <ul style="list-style-type: none"> • DLUHC, • Planning Advisory Services • Planning Inspectorate • The appointed planning Inspectors. <p>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>Corporate Director for Place weekly monitoring / management of the process</p>	Possible	Major (19)	No change	<p>Ongoing action: Monitoring of controls</p> <p>(Neil Ferris, 31/12/2022)</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	<p>which guide and direct development.</p> <p>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.</p> <p>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.</p>			<p>Additional resources to ensure delivery within timescales</p>				

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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>Revised Failure to mitigate wider determinants of health/deprivation impacts</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>Resilient Communities Strategy Group in place</p> <p>New early help and prevention community based service delivery models in People & Customer & Communities</p> <p>Revised Community Safety Plan</p> <p>Devolved budgets to Ward Committees and delivery of local action plans through ward teams</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>Community Safety Strategy approved on 2 March 2020 covering the period 2020-2023</p> <p>Community Hubs set up to support residents through pandemic</p> <p>Roll-out of the Community hubs model as agreed in Oct 2020</p>	Possible	Major (19)	Revised dates	<p>Access Officer role to be recruited to, interim Consultant being engaged REVISED DATE (Pauline Stuchfield, October 2022)</p> <p>Approval of Financial Inclusion Framework REVISED DATE (Pauline Stuchfield Autumn 2022)</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
such as world conflicts and the cost of living increases	Increase in cost of living and in deprivation			<p>Management structure (Mar 2021) appointed Director Of Customers and Communities</p> <p>Community Engagement Strategy published</p> <p>Volunteer Centre established through York CVS. 'People Helping People Strategy' being reviewed.</p> <p>Financial Inclusion Steering Group</p> <p>Establishment of Food roles in Communities Team</p> <p>Support for Anti-Racism group provided</p>				

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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>Adjustment to the new ways of working following the pandemic eg hybrid working.</p>	<p>Increased workloads for staff</p> <p>Impact on morale and as a result, staff turnover in key services impacting on business continuity and performance</p> <p>Inability to maintain service standards</p> <p>Impact on vulnerable customer groups</p> <p>Reputational damage as a current and prospective employer.</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>	Probable	Major (20)	<p>Organisational Development Plan (replaces 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)	New and updated actions	<p>Ongoing action: Review of HR policies to ensure they complement the new ways of working in the future</p> <p>HR policies and advice to managers have been updated and as new working arrangements are embedded details are being updated in policies.</p> <p>REVISED DATE (Helen Whiting, 31/12/22)</p> <p>NEW Review of employee T&Cs Progress has started with costing options ahead of discussions with CMT and Trade Unions. (Helen Whiting, 31/03/2023)</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Reduction in posts due to restructures required to achieve budget savings</p> <p>Potential strike action</p> <p>Lack of qualified workforce (eg care staff, HGV drivers)</p> <p>Ongoing national skills shortage</p> <p>Pay structure issues causing pressure at lower end having knock on impact on middle grades and especially supervisory roles around Grade 5</p>	<p>Potential recruitment issues if staff with EU citizenship leave and are difficult to replace.</p> <p>Impact on the health & wellbeing of staff has been and will be significant and may increase early retirements and leavers. Due to</p> <ul style="list-style-type: none"> • Remote working (working from home) can have a negative impact on wellbeing. • Work life balance – unable to separate work from home due to work being carried out within the home • Juggling childcare and working hours • Supporting home schooling for children <p>However many staff may see an increase in their Health & Well Being due to more agile working. Having greater flexibility between work and home life. As we are able to start returning to the office in a covid secure way it is expected that this will have an increase in Health & Well Being.</p>			<p>A Workplace Health & Wellbeing Group has been established with staff & trade union representation which is chaired by the Head of HR.</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 (although there is no control over this rate and conflicts with NJC rates)</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> <p>Joint Health and Safety Board and regular review of support for staff</p> <p>Improved frequency of informal and formal meetings with Trade Unions to improve communications and relationships</p> <p>Staff questionnaire about returning to the workplace and impact on their health & well being</p>				<p>NEW Ongoing action - Implementation of creative recruitment initiatives New ideas have already been implemented and these will be ongoing and bespoke to the role and service area. Employer Brand project started to ensure that the good employer benefits are promoted. This will be ongoing and initiatives can be evaluated.</p> <p>(Helen Whiting, December 2022)</p> <p>NEW Completion of 22/23 pay award negotiations</p> <p>It is anticipated that results of the National Pay Review will not be known until November 2022. Locally assessment of</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	<p>More agile and flexible working may also result in increased retention of staff and increase the attraction of candidates for vacant positions.</p>			<p>Increased help and awareness of staff wellbeing and mental health as a result of the new ways of working including Covid secure workspace, provision of PPE, establishment of office readiness group, regular communication and information sessions, advice, risk assessments, help with home office and ICT equipment, absence systems, symptom free testing and vaccinations, close working with Public Health.</p> <p>Business Continuity Planning to assist with redeployment of staff or reduction of service during times of shortage eg HGV drivers</p> <p>Managers being equipped with the right training to manage and lead teams and workforce plan</p> <p>Review of job descriptions and not one size fits all</p> <p>Retention payments and market supplements agreed for key posts</p>				<p>impact is being assessed. (Helen Whiting, December 2022)</p>

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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 and Covid-19 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>Providers may go out of business as a result of Covid-19</p> <p>Many sectors under financial pressure due to Covid-19 (reductions in income or increase in expenditure)</p> <p>Costs and cost of living pressures due to increasing inflation rate</p> <p>Cost pressures due to conflict in Ukraine</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> <p>Providers may face short to medium term recruitment issues due to current market conditions, or face an increase in costs which is passed on to the Council</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 attendance at Independent Care Group Provider Conference</p> <p>Director of Commissioning post will improve proactive efforts in market development and market shaping</p>	Unlikely	Moderate (13)	No change	<p>Latest Market Position Statement REVISED DATE (Jamaila Hussein 31/12/22)</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>The Council's market position statement is regularly reviewed</p> <p>Adoption of the 'team around the home' approach undertaken jointly with Public Health colleagues, supporting providers (in particular during the pandemic)</p>				

**ANNEX A
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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, 4. to facilitate the recovery of the community and 5. since 2013 the council also has a statutory duty to protect the health of the population under the Health and Social Care Act 2012 and the transfer of public health responsibilities to local authorities. 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 • Pandemic <p>Failure to protect citizens from the adverse impacts of climate change</p> <p>NEW Potential for rolling commercial power outages over winter</p>	<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> <p>Reduction in life expectancy</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</p>	Possible	Major (19)	No change	<p>COMPLETED</p> <p>Ongoing action: Regular review of emergency and business continuity plans</p> <p>(Neil Ferris, 31/6/22)</p> <p>Improvements to enhance flood protection (The Environment Agency)</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Development of the local outbreak control plan and a variety of internal recovery strategies</p> <p>Local outbreak prevention, management and response in place</p> <p>Climate change mitigation and adaptation program</p> <p>Regular review and reporting of carbon emissions</p> <p>Carbon reduction and climate change action plan regular updates to PH/CMT</p> <p>Communications to citizens about steps they can take to reduce impact of climate change (</p> <p>Sustainability leads group to encourage city partners to work together to reduce impact of Climate change</p> <p>Communications incident management plans, including outbreak</p>				

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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	Highly Probable	Major	21	Probable	Major	20
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	Probable	Moderate	15
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

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Annex C- Risk Matrix

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

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AUDIT & GOVERNANCE COMMITTEE**7 September 2022**

Report of the Director of Governance

Embedding Good Governance: Assurance Support from the Local Government Association, second update**Summary**

During the previous municipal year, the Audit & Governance Committee requested the assistance of the Local government Association to offer external support in assurance monitoring against the delivery of the Action Plan. The Local Government Association's scoping report was approved by the committee on 29th September 2021 and their second report is now available for consideration.

Background

The Council is required to address the recommendations set out in the Report in the Public Interest dated 19th April 2021, and accepted by Full Council on 4th May 2021. An Action Plan was also approved by Full Council and Audit & Governance Committee has been asked to oversee the delivery of the Action Plan.

Work to address the various aspects of the Action Plan has been undertaken and shared with the Local Government Association as part of their independent work to support the Committee and the Council. Focus now aimed towards the embedding of good governance to ensure that the lessons learned contribute to a positive governance culture.

This is the second of three reports to be provided by the Local Government Association and the third is currently scheduled for December 2022.

Implications

Financial – The Council is a member of the LGA and therefore the support from the LGA is at nil cost.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – As detailed within this report, the Council has received and accepted the Report in the Public Interest dated 19th April 2021, and therefore is required to undertake necessary steps to address the highlighted recommendations. The various individual steps required in addressing these recommendations may in themselves require legal advice.

Crime and Disorder, Information Technology and Property - None directly arising from this report.

Recommendations

The Audit & Governance Committee is invited to consider the second report prepared by the Local Government Association which appears at Annex One of this report.

Reasons for the Recommendation

The Audit & Governance Committee is required by Full Council to monitor the delivery of the Action Plan prepared in response to the Public Interest Report.

Options

There are no other options for the Committee to consider on this occasion.

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

Report Approved **Date** 11th August 2022

Specialist Implications Officer(s):

Debbie Mitchell, Chief Finance Officer and Section 151

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

Background Papers:

- Agenda, Reports and Minutes of the extraordinary meeting of Full Council dated 4th May 2021
- Agenda, Reports and Minutes of the Audit & Governance Committee including the meeting held on 29th September 2021 when the LGA's first report was considered
- Agenda and Reports for Full Council on 24th March 2022 including the link to the revised constitution

Annexes:

- Annex One: Second Report prepared by the Local Government Association

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City of York Council

PIR Assurance: Second Interim Report for 7 September 2022

A&G Committee

1. Background

1.1 Mazars published a Public Interest Report (PIR) on The City of York Council (CYC) on 19 April 2021 into the Early Termination of the Chief Executive's Employment Contract. The City Council officially received this report at Full Council on 4 May 2021 alongside an Action Plan. On 16 June 2021 the Audit and Governance Committee received an update on progress against the Action Plan and an 'Implementation Plan' that supports the Action Plan.

1.2 As a reminder, the 5 recommendations from the PIR were:

1. The Council should adopt and apply appropriate standards for business case preparation in relation to exit and pension discretions to improve information supporting decisions
2. Decision notes should be maintained that document the factors that explain the case for the use of public funds under the scheme of delegation such as where payments exceed contractual entitlements
3. The Council should review the design of its governance policies and procedures to manage conflicts of interest (including self-interest threats). This should include updating the Council's constitution and scheme of delegation
4. The Council should ensure all Members fully understand the requirements of the Code of Conduct in relation to declarations of interests
5. The Council should review its policies and procedures to reflect Government guidance in the use of non-disclosure agreements

1.3 The Local Government Association (LGA) is providing support to assure CYC that it has taken appropriate, timely and effective action in response to the PIR and, particularly, but not only, its 5 recommendations. This interim report is the second one that the LGA has written in furtherance of this. The second interim report, like the first, aims to identify the steps taken so far while also considering other issues.

1.4 This support is being conducted by the following peer team members:

- An experienced Monitoring Officer/Governance Officer - Sharon Bridglalsingh, Director, Law and Governance, Milton Keynes Council
- An HR expert – Sarah Ward, Principal Adviser – Workforce, LGA

City of York Council

PIR Assurance: Second Interim Report for 7 September 2022

A&G Committee

- An LGA Facilitator/Manager, Mark Edgell
- An LGA NGDP Graduate, Francis Saukila

2. Scope and Focus

2.1 Throughout the course of this assurance support, the LGA will answer these three questions:

1. Are the Council's Implementation and Action Plans appropriate and sufficient to cover the issues raised in the PIR and specifically the five recommendations within it?
2. Have the actions within the Implementation and Action Plans been implemented/carried out in the planned way?
3. Will the completed actions have, or be likely to have in due course, the desired impact in terms of the changes in the systems, processes, behaviours and culture that the PIR implied were needed?

2.2 This interim report will focus on Question 2, with Question 3 being answered later, following more extensive evidence collection and after any actions have had the opportunity to have the intended impact.

3. Recap: Question 1: Process

3.1 To answer Question 1, the LGA team studied the Implementation Plan and the actions and changes planned to be implemented to assess whether they adequately cover the issues and recommendations found in the PIR.

4. Question 1: Findings

4.1 Overall, the team was reasonably satisfied that what needed to be done had primarily been done regarding Question 1. In other words, the Action Plan and Implementation Plan include appropriate steps to deal with recommendations 1-4 from the PIR and underlying issues within the report. It was agreed that Recommendation 5 had been appropriately rolled into recommendation 1.

4.2 There were potential gaps identified where the team had some doubts and sought more information, namely:

City of York Council

PIR Assurance: Second Interim Report for 7 September 2022

A&G Committee

1. There are implications throughout the PIR that it was not simply a lack of correct processes that was the issue, but that the underlying culture meant inconsistent adherence to policies and guidelines. A question was raised about which actions would deal with this cultural issue; for example, which actions would ensure members adhere to the rules and codes beyond the proposed training?
2. It was suggested that it might be worth putting together a plan to review declarations of interest made by members, for example, every six months. The review would help in assessing whether and how things had changed.
3. A question was raised on whether there was a sufficient explicit reference to actions to ensure the MO would be enabled to carry out the role effectively within and around meetings.

5. Question 2: Process

5.1 Ascertaining whether the actions in the Plan have been implemented in the proposed manner has involved some further conversations between LGA team members and people at CYC. Our considerations around “Question 2” led to quite a few initial questions and requests for more evidence and information on:

- The various guidance throughout the Implementation Plan, what has changed etc.
- The schemes of delegation.
- The training programme, attendance, and steps to enforce its mandatory nature.
- Is there the capacity within the Council, notably the Monitoring Officer’s team, to undertake all the work within the Implementation Plan?

6. Question 2: Findings

6.1 Progress has been made around the implementation plan. We have sufficient evidence to assure ourselves that the Council has made good efforts to carry out the plans. There are, however, some outstanding questions that the Council needs to consider. In many ways, these echo those from Question 1. However, some are also more specific:

City of York Council

PIR Assurance: Second Interim Report for 7 September 2022

A&G Committee

1. It is disappointing that the mandatory training (referred to in R3 (1.4)) around the new Constitution, implemented in May 2022, does not yet appear to have happened. It is recognised that other training will be implemented as part of the new Council past May 2023, but what is being done to expedite the training on the new constitution?
2. It is understood that the mandatory training for members and officers around the Code of Conduct (referred to in R4 (1.2) and R4 (1.4)) was done in Autumn 2021 as the Code was implemented in October 2021. It is recognised that other training will be implemented as part of the new Council past May 2023, but where is the Council with the annual Code of Conduct retraining as described in R4 (1.3), which presumably should be taking place this Autumn?
3. Are sufficient steps being taken to address conflicts of interest? For example, regarding R4 (1.5), how effective is the guidance now being provided with all meeting agendas to assist Elected Members in identifying a conflict of interest? Also has a plan been put in place to regularly review declarations of interest made by the members.
4. Changes to your constitution have made the functions of the MO more overt and explicit, but it is still essential that the Council ensures that the MO can carry out the role effectively within and around meetings. This would require some members to change their behaviour and effective support from all CMT members to instill an understanding of the important role of the MO and demonstrate/cultivate respect for the position and the member/officer protocol. What is being done to address this?
5. More generally, has further thought been given to any actions which would correct the underlying culture which has, in the past, led to inconsistent adherence to policies and guidelines?

City of York Council

PIR Assurance: Second Interim Report for 7 September 2022

A&G Committee

7. Question 3: Process

7.1 To help answer our Question 3, we intend to come on-site for at least one day in, probably October, to speak to a range of people to ascertain the impact of the actions you have undertaken and whether they have precipitated the changes in the systems, processes, behaviours and culture that the PIR implied were needed?

8. Question 3: Findings

8.1 We will cover this in future reports.

9. Recommendations

9.1 In the course of our work so far, several specific and associated issues are becoming apparent to us. This is because similar issues have been cropping up in York for the best part of the last decade. Now is the time to take these issues seriously and to deal with them once and for all. The issues appear to us to be largely cultural. So, it is likely that we will also make recommendations at the end of our work around:

1. Members consistently behaving in line with the Members' Code of Conduct
2. Developing the level and effectiveness of cross-party working
3. Hearing the advice of statutory officers, and more generally, CMT, as a whole, ensuring members receive the advice they need to hear
4. Strengthening trust and relationships between members and officers; ensuring consistent following of the guiding principles in the protocol on officer/member relations.

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7 September 2022

Audit & Governance Committee

Exit Strategies: Guidance on the making and disclosure of special severance payments

Summary

This report is for the Audit & Governance Committee to note the Council's response to DLUHC's publication on 12th May 2022 of "Statutory Guidance on the making and disclosure of special severance payments by local authorities in England"

Recommendations

The Audit & Governance Committee notes the Council's response to the to DLUHC's publication on 12th May 2022 of "Statutory Guidance on the making and disclosure of special severance payments by local authorities in England"

It is noted that the Council's Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments was approved by the Staffing Matters and Urgency Committee on 18th October 2021.

Reasons for the recommendations

The Council is required to comply with Statutory guidance issued by the Government.

Options

There are no other options available in respect of this report.

Background

In compliance with the Action Plan prepared in response to the Public Interest Report issued in April 2021, a comprehensive Exit Strategies document was developed and considered by the Audit & Governance Committee on 8th and 29th September 2021.

This Exit Strategies document was subsequently approved by the Staffing Matters and Urgency Committee on 18th October 2021. Once approved, all key senior staff, including all HR staff, received training on the respective requirements and implications of the Council's guidance and awareness was raised around the new business case template and the need for external legal advice and support at key stages.

In the drafting of the same, close consideration was given to the consultation document issued by MHCLG in July 2021, "Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities". Consultation also took place at that time with the Trade Unions and with Internal Audit. Once approved, the Exit Strategies documents was shared with External Audit and with the LGA as part of their work supporting the Audit & Governance Committee.

Having reviewed the Council's Exit Strategies document alongside the recently published consultation response/statutory Guidance by DLUHC, the Council's approved guidance does reflect the requirements of the Government's Statutory Guidance.

In addition, the Pay Elements and Discretions document approved by Staffing Matters and Urgency Committee to support the Council's Exit Strategies document has now been incorporated into the Council's Constitution.

Implications

Financial

None directly arising from this report.

Human Resources (HR)

Whilst there are no human resource implications arising directly from this report, HR advice will be required on a case by case basis should the provisions of the Exit Strategies document be utilised. In

accordance with the council's constitution, the Head of HR does have to be consulted before any pay elements and or discretions can be approved.

Equalities

None directly arising from this report.

Legal

The Council is required to comply with statutory guidance issued by Government. Whilst there are no legal implications directly arising from this report, external specialist legal advice was sought in the preparation and approval process of the Council's Exit Strategies document and it is a requirement within the Exit Strategies document that external legal advice will be sought on a case by case basis as and when the need arises.

Crime and Disorder, Information Technology and Property

None directly arising from this report.

Author responsible for the report:

Janie Berry, Director of Governance, City of York Council

Report **Date** 8th June 2022
Approved

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

For further information please contact the author of the report

Appendices

- “Statutory Guidance on the making and disclosure of special severance payments by local authorities in England” published by DLUHC on 12th May 2022 - <https://www.gov.uk/government/publications/special-severance-payments/statutory-guidance-on-the-making-and-disclosure-of-special-severance-payments-by-local-authorities-in-england>
- City of York Council “Exit Strategies” approved by Staffing Matters and Urgency Committee on 18th October 2021

Background Papers

- Report in the Public Interest dated 19th April 2021 and Action Plan approved in response by Extraordinary meeting of Council on 4th May 2021
- Agendas, Report and Minutes of the Audit & Governance Committee on 8th September 2021 and 29th September 2021
- Agenda, Reports and Minutes of the Staffing Matters and Urgency Committee on 18th October 2021
- City of York Council Constitution



**STAFFING MATTERS & URGENCY
COMMITTEE**

18 October 2021

Report of the Head of HR & OD

**Report in the Public Interest: Exit Strategies: Guidance on the use
of Settlement Agreements including Special Severance Payments**

Summary

1. In accordance with Recommendations detailed within the Report in the Public Interest dated 19th April 2021, guidance has been prepared for approval by the Staffing Matters & Urgency Committee relating to the use of settlement agreements including special severance payments (included in the Exit Strategies Guidance attached at Appendix A).
2. Audit & Governance Committee has considered this guidance on 8 and 29 September and recommendations have been taken on board.
3. If approved by the Staffing Matters and Urgency Committee, this will be implemented immediately with training & development for Officers. This training has already commenced on 7 October 2021.
4. In accordance with Recommendations detailed within the Report in the Public Interest dated 19th April 2021, guidance has been prepared for noting by the Staffing Matters & Urgency Committee relating to approval process for pay discretions. This will be included within the constitution and therefore will go through the relevant approval process.

Recommendations

5. The Staffing Matters & Urgency Committee is recommended to:

- a. Approve the Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments and agree to its adoption and immediate implementation; and
- b. That the Head of HR liaise with the Executive and the Corporate Management Team to ensure consistent compliance with the Guidance, training key Officers across Corporate Leadership Group and Human Resources.
- c. To note the pay discretions presented to committee, and that this will progress for approval within the constitution.

Reasons for the recommendations

6. To ensure compliance with the recommendations detailed by the Council's External Auditor in the Report in the Public Interest dated 19th April 2021.

Options

7. The Staffing Matters & Urgency Committee can chose not to accept the recommendations contained within this report however to do so would hinder the Council's ability to comply with the Action Plan prepared in response to the Report in the Public Interest.

Background

8. On 4th May 2021, Council received a Report in the Public Interest dated 19th April 2021, and in doing so agreed an Action Plan to address the recommendations contained therein.
9. Of those, Recommendations One, Two and Five related to the Council's framework for the management of exit strategies and the use of special severance payments.
10. In response the Council has now, following consultation with the Trade Unions, Internal Audit and with taking into account external legal advice produced the draft Guidance which appears as Appendix One to this report. This Guidance also takes into account the recently published guidance from MHCLG relating to exit payments.
11. Audit & Governance Committee were asked to review the attached guidance at Appendix A and consider a recommendation

to this Committee in their meeting on 8 September 2021. The recommended amendments to be made and these were taken on board and the updated document returned to Audit & Governance Committee on 29 September, where they agreed the content with a minor amendment which has been made for version 5. For reference the original settlement agreement is attached in Appendix C.

12. The pay discretion document, contained in Appendix 2, details the approval process and control measures in place around pay discretions across the council. This will be included within the constitution.

Consultation

13. The Trade Unions have been consulted on the guidance in appendix one and the pay discretions in Appendix 2. Their comments have been taken into consideration and they are content for the documents to be progressed.
14. Internal Audit has been consulted with regarding the guidance and appendix A, and agree for it to progress. At the time of publishing this report we are still awaiting the comments regarding appendix B. A verbal update will be provided at the meeting on 20 September 2021.
15. Audit & Governance have considered this document twice in September, (8 and 29). Recommendation's from Audit & Governance have been taken on board and reflected in the updated guidance.

Implications

16. **Financial** - none directly related to this report but decisions made in accordance with the Guidance and Pay Discretions will be the subject of financial consideration on a case by case basis.
17. **Human Resources (HR)** - none directly related to this report but decisions made in accordance with the Guidance and Pay Discretions will be the subject of staffing and employment related considerations on a case by case basis.
18. **Equalities** - none directly related to this report but decisions made in accordance with the Guidance and Pay Discretions will be the subject of any equality considerations on a case by case basis.

19. **Legal** – the Council is required to take all steps to ensure compliance with the Action Plan approved in response to the Report in the Public Interest and compliance with the Action Plan is monitored by the Audit & Governance Committee. Specialist external employment law advice has been received in respect of the Guidance to ensure it complies with relevant legislation and the Statutory Guidance issued by the MHCLG.

20. **Crime and Disorder, Information Technology and Property** – none directly arising from this report

Author:

Trudy Forster, Head of HR
& OD

Chief Officer responsible for the report:

Janie Berry, Director of Governance

Report	X	Date	<i>6 October</i>
Approved			<i>2021</i>

Specialist Implications Officer(s): Janie Berry, Monitoring Officer
Debbie Mitchell, Chief Finance Officer

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

For further information please contact the author of the report

Background Papers:

Report in the Public Interest dated 19th April 2021, and received by Full Council on 4th May 2021, together with the Action Plan approved by Full Council on 4th May 2021.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MIId=13092&Ver=4>

Audit & Governance Papers 8 and 29 September 2021.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=13015&Ver=4>

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=13152&Ver=4>

Appendix

Appendix A - Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments.

Appendix B – Pay Discretions

Appendix C – Original Settlement Agreement Advice

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Exit Strategies

Guidance on the use of Settlement Agreements including Special Severance Payments

DOCUMENT INFORMATION & REVISION HISTORY

Title	Exit Strategies - Guidance on the use of Settlement Agreements including Special Severance Payments
Contact for Enquiries	Trudy Forster

Issue No	Issue Date	Author(s)	Nature of Amendment
V1	12/08/21	Trudy Forster	Original version written by Trudy Forster Changes made by Sam Healy (Barrister, Dere Street Barristers) – Accepted Changes Made by GMB – Accepted
V2	17/08/21	Trudy Forster	Changes made by Internal Audit
V3	19/08/21	Trudy Forster	Changes made by HR to item 4.4
V4	10/09/21	Trudy Forster	Changes made by Trudy Forster, Janie Berry and Debbie Mitchell following A&G Committee feedback Changes made by Sam Healy (Barrister, Dere Street Barristers)
V5	6/10/21	Trudy Forster	Changes made at 6.11 following A&G Feedback

This guidance applies to all employees of CYC, including Chief Officers

1. Definitions:

Settlement Agreements – (formerly known as Compromise Agreements)	A legally binding agreement signed by employer and employee resolving a dispute between them, such as the terms on which the employee’s employment is ended.
Special Severance Payments	Additional payments made to employees beyond what they are entitled to under their contracts of employment or statutory law.
Confidentiality Clause (often referred to as non-disclosure agreements or ‘NDAs’)	A clause in a Settlement Agreement that prevents the unauthorised disclosure by the employee of confidential information relating to their employment or its termination.
Statutory elements of pay	Those elements of pay that the employee is owed as a matter of statutory law applicable to all employees in the UK. For example, the right to be paid for annual leave or the right to receive a minimum amount when made redundant (so-called ‘statutory redundancy’)
Contractual Payments	Those elements of pay that the employee is owed under their contract of employment. For example, the normal remuneration paid for work done.
Best Value Duty	The best value duty, as set out in section 3 of the Local Government Act 1999 (“the 1999 Act”), provides that “ <i>A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness</i> ”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

Chief Officer	Chief Officer at City of York Council are all staff on posts at Assistant Director, Director, Corporate Director and Chief Operating Officer
Statutory Officers	Head of Paid Service – Chief Operating Officer Monitoring Officer – Director of Governance Section 151 Officer – Chief Finance Officer/AD Finance
Legal Advice	Legal advice may come from within the council where the advice is for non-chief officers Legal advice will be sought from external independent legal advisers where the payment is for a chief officer.

2. Reference docs

Cabinet Office Guidance on Settlement Agreements, Special Severance Payments on Termination of Employment and Confidentiality Clauses
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817156/Cabinet-Office-guidance-on-settlement-agreements-special-severance-payments-on-termination-of-employment-and-confidentiality-clauses.pdf

Guidance on Public Sector Exit Payments: Use of Special Severance Payments
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/989770/SPECIAL_SEVERANCE_GUIDANCE_v3_FINAL.pdf

MHCLG Guidance

Statutory guidance on the making and disclosure of Special Severance Payments by local authorities



SSPSG.pdf

3. Introduction

- 3.1 There are numerous reasons why people leave employment, from normal resignation by the employee through to dismissal of the employee by the employer.

- 3.2 The majority of the cases are straight forward, follow normal processes and do not result in any additional payments (Special Severance Payments).

However, there are a smaller number of cases where the contract of employment is terminated through dismissal by the employer or more complicated circumstances where the contract is terminated by mutual consent of the employer and employee.

- 3.3 It is in these cases where the council must ensure that any additional payments (Special Severance Payments) being made, over and above Contractual and statutory payments, are in line with legislation and the 'Best Value Duty'.
- 3.4 There are contractual and statutory elements of pay that have to be paid upon an exit, regardless of the reasons for the exit. Examples include outstanding annual leave and the minimum statutory redundancy payment, where the post held by the employee is being made redundant.
- 3.5 Special Severance Payments do not fall into the category of payments that the council is obliged to pay a departing employee and do not usually represent value for money. As such, they should only be used in truly exceptional circumstances and after following due process. The size of any Special Severance Payment must be kept as small as possible in order to provide value for money for the taxpayer and the economic rationale for the payment must be clear. Where a Special Severance Payment is made there must be complete transparency about that fact and the reasons why it is being made.
- 3.6 The council should not be using Special Severance Payments as a soft option. For example, to avoid management action or disciplinary processes against an employee, unwelcome publicity, embarrassment or reputational damage for the council
- 3.7 As a council we need to ensure that before making a Special Severance Payment we follow the correct approval process and that those making the decision have all the relevant the information upon which to make a properly informed decision.
- 3.8 Where a Special Severance Payment is to be made to an employee, the council will agree a written Settlement Agreement with that employee. Any Settlement Agreement may include a Confidentiality Clause, but only where legal advice is to the effect that it is proportionate, reasonably necessary and in the best interests of the council to do so. The precise contents of a Confidentiality Clause will vary from case to case. A Confidentiality Clause cannot be used to prevent an employee from making a protected disclosure (so-called 'whistleblowing').
- 3.9 The purpose of this guidance then is to:
 - Set out the Council's view that Special Severance Payments do not

usually represent value for money and should only be considered in truly exceptional circumstances

- Set out the criteria that the Head of Paid Service should consider in deciding if there are exceptional circumstances in which it may be appropriate to make a Special Severance Payment, in conjunction with the Section 151 Officer and Monitoring Officer.
- Clarify the approval process for making a Special Severance Payment
- Clarify the disclosure and reporting requirements where Special Severance Payments are made.

3.10 This guidance does not cover Special Severance Payments made in maintained schools. School Governing Bodies are responsible for those decisions.

4. Reasons for Leaving

4.1 Employees can leave employment through a number of routes, the primary one being resignation. However, there are occasions where staff will be dismissed by the employer or where there is a mutual agreement between employer and employee to end the employment relationship.

4.2 Resignation

Where an employee has resigned, this exit will be progressed through the completion of the leaver's paperwork, found at the following link: <https://colin.york.gov.uk/besupported/hr/leaving-the-council-1/leavers-procedure/>. In terms of payment, the employee will usually only be entitled to their normal earnings up to the date of their resignation and any outstanding holiday entitlement. Line Managers are encouraged to work with employees who are resigning to use their annual leave prior to their leave date. Payment of outstanding leave should be by exception.

4.3 Retirement

Normal Retirement

Where an employee retires and has access to their pension with no discretion, this exit will be progressed through the completion of the leaver's paperwork found here. As with a resignation, the employee is usually entitled to their normal earnings up to the date of their retirement and any outstanding holiday entitlement.

Where staff retire and have access to their pension with a discretion the Pension Discretion policy should be followed.

<https://colin.york.gov.uk/media/419742/cyc-pension-discretions-policy-statement-2021-final-published.pdf>

Early Retirements in the efficiency of the service

These are early retirements that will facilitate an increase in the efficiency of the business unit in question, for example through the introduction of more effective working methods or the provision of an opportunity to introduce new skills into service delivery. Normally, the business case will demonstrate how the additional costs arising out of the early retirement can be met within the first five years from the date of retirement.

4.4 **Ill Health Retirement**

Where a member of staff retires through ill health, there is a discrete process to follow. This is explained in the Manager's Toolkit which is found in the Attendance Management page:

<https://colin.york.gov.uk/besupported/hr/absence-leave-and-flexible-working/attendance-management/>

4.5 **Dismissal**

Where an employee has been dismissed following a disciplinary/dismissal process hearing, the employee will usually receive all statutory and contractual pay elements. Where an employee is dismissed, it will usually be with notice although the employer may instead elect to make a payment in lieu of notice ('PILON'). This is where the employer pays the employee what they would have received during the notice period without the employee being required to work. Where the employee is dismissed for gross misconduct, they will not usually be entitled to be dismissed with notice or to receive PILON.

There may be instances following a dismissal where it is appropriate to enter into a Settlement Agreement with the employee. For example, to prevent the employee bringing a claim before an Employment Tribunal and receiving compensation from such. This may give rise to the making of a Special Severance Payment to the employee dependent upon the circumstances and the protection of the council.

4.6 **Redundancy**

Redundancies are a form of dismissal, and can happen when an employee's job no longer exists. This may be due to needing to reduce the workforce, close part of the business, or when certain work is no longer needed. If an employee is made redundant they may be eligible for redundancy pay and other certain rights such as time off to look for work. There are two forms of redundancy:

Compulsory Redundancy

This is where the employee does not agree to being made redundant and the decision is one taken by the employer. The Council will try to minimise the

need for compulsory redundancies but there may be occasions when this is unavoidable.

Voluntary Redundancy

Where redundancies are planned, one of the measures the council can take to avoid compulsory redundancies is to seek volunteers in the first instance. This is known as Voluntary Redundancy, where both employer and employee agree that the employment should be ended by way of redundancy. Where the council is running a specific voluntary redundancy programme it will be publicised and employees informed.

4.7 *Mutual termination of contract of employment*

There are instances where both parties wish to terminate the contract of employment. In these cases of mutual termination there will usually be a Settlement Agreement reached between the parties and this may include the making of a Special Severance Payment. As part of a mutual termination the council is normally required to pay contractual and statutory pay elements to the employee.

5. Special Severance Payments

5.1 Special Severance Payments are paid to employees outside of normal statutory or contractual entitlements when leaving employment in public service, whether they resign, are dismissed or there is a mutual termination of employment.

5.2 Special Severance Payments are any payments on termination of employment which do not correspond to an established contractual, statutory or other right. The types of payments which are Special Severance Payments will vary according to an employees' circumstances, and therefore the examples below are illustrative only. In the case of any doubt as to whether a payment constitutes a Special Severance Payment, approval should be sought from the Employment Law adviser

5.3 Any payment in respect of which the right to payment is disputed by the employer, in whole or in part, should be treated as a Special Severance Payment which requires approval.

5.4 The following types of payments are likely to constitute Special Severance Payments:

- Any payments reached under a Settlement Agreement other than those amounting to statutory elements of pay or contractual payments. For example, payments proposed to be made in return for the employee not bringing legal proceedings or discontinuing existing proceedings;
- The value of any employee benefits or allowances which are allowed to

continue beyond the employee's agreed exit date;

- Write-offs of any outstanding loans;
- Any paid special leave, such as gardening leave;
- Any honorarium payments or gifts;
- Any hardship payments;
- Any payments to employees for retraining related to their termination of employment.

5.5 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- Pay in lieu of notice (PILON), depending on the contractual basis for the payment;
- Pension strain payments arising from employer discretions to enhance standard pension benefits.

5.6 The following do not constitute Special Severance Payments:

- Statutory redundancy payments;
- Contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise;
- Payment for untaken annual leave;
- Payments ordered by a court or tribunal.

6. CYC Approval Process

6.1 Special Severance Payments when staff leave employment of the council should be exceptional. They require Statutory Officer (Head of Paid Service, Section 151 and Monitoring Officer) approval because they are novel, contentious and potentially repercussive.

6.2 Where the Special Severance Payment is being made for a Chief Officer, approval is required from the Statutory Officers mentioned above and from the Staffing Matters and Urgency Committee.

6.3 Where the Special Severance Payment is being made for the Head of Paid Service, the Monitoring Officer will lead through the process, seeking approval from the Section 151 and Staffing Matters and

Urgency Committee. Where the Special Severance payment is for the Monitoring Officer or Section 151 then the Head of Paid Service will lead through the process. In both cases supported by the Head of Human Resources, taking into account the JNC Handbook.

6.4 ***Process for Approval***

It is important to ensure that Executive Member approval is sought before any offers of a Special Severance Payment, whether oral or in writing, are made to an employee. The process required to seek approval is as follows:

6.4.1 Chief Officer completes the Business Case at Annex A.

6.4.2 The form requires approval from of the relevant Executive Member and Officers, Finance Manager, HR Manager, Head of Paid Service, Chief Finance Officer and Monitoring Officer.

6.4.3 Where the Special Severance Payments relates to a Chief Officer, following the completion and approvals at Annex A, the form including the details upon which to make a decision is submitted to the Staffing Matters and Urgency Committee for its approval.

6.5 The council must ensure that Special Severance Payments are transparent and negotiated avoiding conflicts of interest. This is especially important in respect of Chief Officers.

6.6 ***Criteria for the assessment of cases***

The Business Case (Annex A) must be completed in full before any approval and decision is made. This business case must be sufficiently strong to be subject to scrutiny and all relevant information included upon which a decision can be made.

6.7 ***Completion of the Business Case (Annex A)***

The Business Case must include consideration of the matters set out below.

6.7.1 Overview of the department / team in which the individual works, including:

(a) Key deliverables

(b) Size of workforce

6.7.2 The terms of employment and any contractual clauses relevant to the proposed Special Severance Payment.

6.7.3 The business reasons for the proposed Special Severance Payment, e.g. to settle a grievance or employment tribunal claim.

6.7.4 Key dates and decisions that led to the need of a Special Severance Payment.

6.7.5 The total cost of the exit payment proposed to be made to the employee, clearly stating the Special Severance Payment separately to contractual and statutory elements of pay.

6.8 ***Financial Considerations***

There must be evidence that the cost of the Special Severance Payment represents value for money and that the Best Value Duty will be fulfilled. The economic rationale for the Special Severance Payment should be clear and include consideration of:

- (a) Whether the departure of the employee from the council can be achieved at a lower cost to the council, including whether the employee would be prepared to leave receiving statutory and contractual payments only;
- (b) Any efficiency savings from workplace reform, such as reduction in posts etc.;
- (c) Associated repercussive risks / conduct issues to the delivery of the organisation's objectives.

6.9 Where relevant, independent legal assessment of an organisation's chances of winning or losing an employment tribunal claim and the potential value of any award that may be made.

6.10 ***Non-financial considerations***

There must be evidence that all options other than Special Severance Payments have been exhausted including:

- (a) Evidence that, where relevant, a performance improvement plan in line with internal performance management processes has been considered and not unreasonably discounted. Special Severance Payments should not be used to avoid performance management processes.
- (b) Evidence of good performance of the individual if the exit is not performance related.
- (c) Evidence of other measures to prevent the exit, including full efforts made to perform reasonable adjustments or where relevant, redeployment within the council.

6.11 Consideration should be given to the circumstance and number of other Special Severance Payments agreed in the last 12 months and those the payment of which is pending.

6.12 *Repercussive Risk*

There should be evidence of consideration of the wider impact on the council of the proposed Special Severance Payment and whether it is likely to set a precedent for future cases. For example:

- (a) Evidence that the Special Severance Payment represents a one-off cost (to resolve a specific issue);
- (b) Evidence of consideration of the impact of making a Special Severable Payment on the wider workforce, including whether such is likely to encourage further claims by employees;
- (c) Evidence of the completion of a lessons learnt exercise and measurable improvement plan (including dates) to reduce the risk of the council having to make further Special Severance Payments. This is linked with the action required in paragraph 6.15 (c).

6.13 *Particular considerations for Special Severance Payments*

Any payment proposed as part of a Settlement Agreement in excess of contractual, statutory and other entitlements is a Special Severance Payment and authorisation must be given by Statutory Officers and/or the Staffing Matters & Urgency Committee before such a settlement is agreed.

6.14 Where there is a dispute between the council and employee or ex-employee, the council should consider, at an early stage, the likelihood of an employment tribunal or other claim and seek legal advice on the potential costs involved. The council must first consider non-financial avenues to resolve disputes in collaboration with the parties involved.

6.15 Proposals for Special Severance Payments, should consider the following (where appropriate):

- (a) Evidence of attempts to resolve a grievance before it escalates to an employment tribunal claim.
- (b) Precedents from other parts of the public sector may not always be a reliable guide in any given case;
- (c) Legal advice that a Special Severance Payment appears to offer good value for the council may not be conclusive since such advice may not take account of the wider public interest;
- (d) Even if the cost to the council of defeating an apparently frivolous or vexatious claim will exceed the likely cost of the proposed exit payment to the employee, it may still be desirable to take the case to formal proceedings given :
 - Winning such cases will discourage frivolous or vexatious claims and demonstrate that the council does not reward such claims.

6.16 The council's default approach is not to settle, we must ensure Special Severance Payments are only made in exceptional

circumstances and represent value for money. Special Severance Payments will only be considered if: Attempts to settle the dispute without Special Severance Payments have been made and either

- (a) Legal advice has been sought and clearly recommends settling the claim with the making of the proposed Special Severance Payment; or
- (b) Where legal advice is finely balanced, there is a clearly evidenced value for money case and settling is clearly the best course of action, satisfying the best value duty.

6.17 It is especially important that those individuals within the council who are the subject of complaints brought by an employee play absolutely no role in deciding whether a Special Severance Payment should be made to that employee. Special Severance Payments must not be used to avoid the dealing with complaints/grievances or to avoid unwelcome publicity or embarrassment.

7.0 Recording of Special Severance Payments

7.1 All approved Special Severance payments will be recorded within Finance. Any exit payment must be recorded and reported on an annual basis to central government.

8.0 Audits of Special Severance Payments

8.1 Staffing Matters and Urgency will approve or not, via the Business Case (Annex A) any Special Severance Payment for Chief Officers

8.2 All approved Special Severance Payments for any employee, excluding Chief Officers, will be noted at Staffing Matters and Urgency. Staffing Matters and Urgency will receive in private session a copy of the Business Case, Annex A.

8.3 Internal Audit will carry out a six monthly review of the Special Severance Payments made in the council and will report their findings to Audit & Governance on an annual basis.

8.4 Audit & Governance will receive an annual report from Internal Audit on the council's compliance with this framework and therefore the use of Special Severance Payments by the council.

8.5 This guidance will be reviewed by the Corporate Consultation/Negotiating committee (CCNC) on an annual basis and any amendments will be reported to Staffing Matters and Urgency. This process will incorporate **consideration of the information mentioned above** collated by Internal Audit **and Audit and Governance**.

Annex A

Proforma for Special Severance Business Cases

Special Severance Business Case	
Chief Officer Responsible	
Directorate and Team	
Date case is submitted	
Date decision is needed and why	
Executive Member – Name and Approval Date	
Confirm notification to Internal Audit Name and Date	
For Chief Officers confirm notification to External Audit Name and Date	
Finance Manager Name , Approval and Date	
HR Manager Name , Approval and Date	
Monitoring Officer Approval and signature, Date	
Chief Finance Officer Approval and	

Signature, date	
Head of Paid Service Approval and Signature	
For Chief Officers Date of Staffing Matters & Urgency Committee	
Circumstances of the Case	
Overview of the Case and Organisation	
<p><i>Please provide a brief case history, with key dates, summarising how the situation has come about. Specify organisations key deliverables, size and previous use of severance payments</i></p>	
Terms of employment	
<p><i>What are individual's terms of employment (length of service, current salary, contractual notice period, type of contract (e.g. fixed term, part time)?</i></p>	
Breakdown of proposed exit payment	
<p><i>Please list each type of payment separately e.g. Statutory redundancy, pay in lieu of notice, Special Severance Payment</i></p>	

Proposed ways of proceeding
<p><i>What is the individual's contractual entitlement, and why do you propose to make a Special Severance Payment? What is the scope for reference to tribunal (incl. summary of the legal assessment of the chances of winning or losing the case, potential consequences)? Other options considered?</i></p>
Financial Considerations
The value for money consideration underlying the proposed payment
<p><i>A Value for Money assessment is the process of comparing all the costs, including those of any alternative options, with potential efficiency savings from the proposal and any non-financial benefits, such as the impact on staff morale and the achievement of Council objectives. It is not possible to provide a comprehensive list of all the factors to take into account but some examples are provided below; break-down of costs, including legal costs; potential tribunal awards, efficiency savings from workplace reform and/or any associated repercussive risks e.g. conduct issues to the delivery of the organisation's objectives. It must provide a rationale for proposed level of settlement (with pay comparison i.e. x months' pay / y% of salary); costs of alternative options, and why a proposed settlement offer demonstrates the best value for money solution. When considering vfm, non-financial costs (i.e. effect on staff morale, achievement of business objectives, the impact of not agreeing the proposal, reputational risk and improving productivity) will also be considered.</i></p>

Non- Financial Considerations
Performance management
<i>Specify if performance has been an issue for the individual. Provide details of performance management procedures followed if applicable.</i>
Management procedures
<i>Specify measures taken to prevent the exit, including efforts to perform reasonable adjustments, resolve grievances or redeploy.</i>
Repercussive risk
Lessons learnt from this case
<i>Explain what lessons have been learned and how management systems have been/will be improved to avoid future occurrences of similar cases.</i>
Wider impact and potential precedents
<i>Explain whether this case might have an impact on or set a precedent for other existing or future cases.</i>
Any other useful information



Statutory guidance on the making and disclosure of Special Severance Payments by local authorities

Introduction

Most public sector workers enjoy statutory and contractual redundancy terms that are significantly better than the minimum statutory redundancy entitlement and are often higher than the value of redundancy payments made in the private sector. The Government is of the view that paying additional, discretionary sums on top of these entitlements (“special severance payments”) do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

This guidance forms part of the best value regime. The best value duty, as set out in section 3 of the Local Government Act 1999 (“the 1999 Act”), provides that “A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

Authorities subject to the best value duty (termed “best value authorities”) are defined in section 1 of the 1999 Act. A list of these bodies can be found on page 6 of this guidance.

This guidance also sets out the Government’s position on the use of Special Severance Payments made by local authorities.

The purpose of this guidance is to:

- Set out the Government’s view that Special Severance Payments do not usually represent value for money and should only be considered in truly exceptional circumstances
- Set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment
- Give examples of the truly exceptional circumstances in which Special Severance Payments may be appropriate
- Clarify the disclosure and reporting requirements for Special Severance Payments.

Redundancy payments can be an important mechanism to allow employers to reform and react to new circumstances in the workplace, but employers have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. They should also ensure that all relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented.

In the exceptional circumstances where it is decided that a Special Severance Payment should be paid, it is the responsibility of both individual employers and sponsoring departments to ensure their Special Severance Payments arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.

Chapter 1 – What is a special severance payment?

In the context of this guidance, Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employees' particular circumstances, and therefore the examples below are illustrative only.

It is established case-law¹ that such payments, where in accordance with legislation, may only be made where there is a convincing case that they are in the interests of taxpayers. Local authorities may not be generous at the expense of taxpayers and must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

The following types of payments are likely to constitute Special Severance Payments:

- a) Any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault;
- b) The value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date;
- c) Write-offs of any outstanding loans;
- d) Any paid special leave, such as gardening leave;
- e) Any honorarium payments or gifts;
- f) Any hardship payments;
- g) Any payments to employees for retraining related to their termination of employment

The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- a) Pay or compensation in lieu of notice (depending on the contractual basis for its payment);
- b) Pension strain payments arising from employer discretions to enhance standard pension benefits;

The following do not constitute Special Severance Payments:

- a) Statutory redundancy payments;

¹ In Re Hurlle-Hobbs's Decision (1944) 1 All E.R. 249

- b) Contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- c) Redundancy payments made in line with the requirements of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006;
- d) Payment for untaken annual leave;
- e) Payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation;
- f) Payments made to compensate for ill-health, injury or death of the worker.

Chapter 2 - Considerations for councils on potential Special Severance Payments

This Chapter provides guidance on relevant considerations for English local authorities in relation to making Special Severance Payments.

Local authorities must comply with the duty of Best Value explained in the introduction. In considering whether it is appropriate to make a Special Severance Payment, the Government expects local authorities to consider whether such a payment would be a proper use of public money.

Economy

Councils should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered;
- how the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers money appropriately;
- what alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services;
- the setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others);
- evidence for additionality, i.e. that those offered Special Severance Payments would not have, under any circumstances, been willing to leave with their statutory and contractual benefits alone.

Efficiency and effectiveness

In considering the impact of Special Severance Payments on efficiency and effectiveness, local authorities should:

- Seek legal advice on the prospects of successfully defending an employment tribunal claim, if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payments;
- Ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment;
- Consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money;
- Manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether cases should be settled from public funds.

Chapter 3 - Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments

There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office. This can apply to office holders as well as staff. These circumstances, which we expect to be truly exceptional and provide value for money, may be taken into account by local authorities in deciding whether or not to make a Special Severance Payment.

Authorities may consider a Special Severance Payment in order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas).

Authorities may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because winning such cases will discourage future frivolous or vexatious claims and demonstrate that the council does not reward such claims.

Chapter 4 - Accountability and disclosure

Accountability

The Government expects that any Special Severance payments should be personally approved and signed off by the Chief Executive Officer (CEX), with a clear record of the Leader's approval and that of any others who have signed off the payment.

A system of legal duties also requires councillors to spend public money with regularity and propriety. Under section 151 of the Local Government Act 1972, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers [the section 151 officer or Chief Finance Officer] has responsibility for the administration of those affairs". The section 151 officer has an important role in holding councils to account and has duties to alert councillors and the auditor in the case of unlawful expenditure.

This role is complemented and reinforced by authorities' duty under section 5 of the Local Government and Housing Act 1989 to appoint a monitoring officer, who must report to the council when any proposal, decision or omission is likely to lead to contravention of any enactment, rule of law or statutory code.

As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

Disclosure

Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. The availability of data on exit payments in the public domain by local authorities enables local accountability as well as effective management of public money and public confidence. In 2015, the Local Government Transparency Code was issued to increase democratic accountability through open access to information.²

MHCLG have initiated a new annual collection of data on exit payments (initially collecting data from 2014 – 2021) and the results will be published into official statistics and made available on the gov.uk website, subject to any necessary anonymisation or redaction to comply with data protection law. This data will help others to assess the number and level of exit payments made in local government.

Section 38 of the Localism Act 2011 requires the council to produce and publish a pay policy statement, which must include the authority's policies on termination payments. Further information on what the Localism Act 2011 requires can be found in existing guidance.³

In addition, Regulation 60 of the Local Government Pension Scheme Regulations 2013 requires local authorities to prepare a statement of its policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of

² Local Government Transparency Code 2015, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf

³ Openness and accountability in Local Pay: Guidance under Section 40 of the Localism Act 2011 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85886/Final_Supplementary_Pay_Accountability_Guidance_20_Feb.pdf

additional pension), Regulation 30(6) (flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulations 31 (award of additional pension)

As well as following existing guidance⁴ on reporting exit payments councils should also disclose in their annual reports all redundancy payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement). All reporting should be anonymised and comply with data protection law.

List of bodies this guidance applies to

- an English local authority, including
 - a county council in England, a district council or a London borough council
 - the Council of the Isles of Scilly;
 - the Common Council of the City of London in its capacity as a local authority;
 - the Greater London Authority so far as it exercises its functions through the Mayor.

- a National Park authority [for a National Park in England]
- the Broads Authority
- the Common Council of the City of London in its capacity as a police authority;
- a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a [metropolitan county fire and rescue authority in England]
- the London Fire Commissioner
- an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);
- an Integrated Transport Authority for an integrated transport area in England;
- an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- a combined authority established under section 103 of that Act;
- a sub-national transport body established under section 102E of the Local Transport Act 2008;
- Transport for London

⁴ CIPFA, Code of Practice on Local Authority Accounting in the United Kingdom 2020/21

Pay Elements & Discretions

PIR Action Plan Recommendation 2

Decision notes should be maintained that document the factors that explain the case for the use of public funds under the scheme of delegation such as where payments exceed contractual elements.

The below table applies to all employees including Chief Officer

- CCNC refers to CNNC Pay Board

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
1	Payment in lieu of notice	PILON	Head of Service via email and Leavers form	Leavers Form Payroll	Chief Officer
2a	Sick pay	Extend full pay / Half Pay for non chief officers	Head of HR	Email / in writing the request for extension to be considered by the HHR Email trail to record sign off store on employees record	Section 151 and Head of Paid Service – via email
2b	Sick Pay	Extend Full / Half Pay for Chief Officers	Head of HR S 151 and HOPS Staffing Matters & Urgency	Email / in writing the request for extension to be considered by the HHR, S151 and HoPS Report (private session) to SMU, detailing request, recommendation Decision stored on personal file	SMU

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
3	Redundancy pay	<p>No discretion on normal redundancy pay where the redundancy has been agreed and dismissal progressed</p> <hr/> <p>Additional weeks to 104</p>	<p>Approval process for redundancy, including discretion and non discretionary elements – Chief Officer and Section 151</p> <p>Where the redundancy relates to a Chief Officer approval is via SMU</p>	<p>Business Case completed with approvals</p>	<p>SMU - note the non Chief Officer Redundancies</p> <p>SMU to approve Chief Officer Redundancies</p>
4	Outstanding Annual Leave	<p>Should be taken and only paid in exceptional circumstances. Must be able to justify why leave is unable to be taken.</p> <p>Contractually there is no discretion – must be paid if employee is unable to take prior to exit date, based on above.</p>	<p>Head of Service</p>	<p>Via email, justification to the Chief Officer of circumstances that prevent the employee from taking outstanding leave prior to exit.</p> <p>Leavers Form</p> <p>Payroll</p>	<p>Chief Officer</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
5a	Starting Salary – external applicants	<p>To start at a salary above point 1 of the scale</p> <p>Ability to match the current salary of the applicant (expected to go to the next incremental point)</p> <hr/> <p>There are some exceptions to this where the recruitment exercise has proved that this is the only suitable candidate and in order for them to accept an offer of employment a higher incremental point may be required.</p>	<p>Appointing Manager</p> <hr/> <p>Appointing Manager and Head of HR on behalf of CCNC Pay Board</p>	<p>Evidence of current salary</p> <p>Payroll</p> <hr/> <p>Email requesting the higher salary and reason for the request (mini business case)</p> <p>New Starter Form</p> <p>HR Business Support – Recruitment</p>	<p>Head of Service</p> <hr/> <p>CCNC Pay Board via email (due to meetings schedule and need to respond)</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
5b	Starting Salaries – Internal Applicants	<p>Expectation that they commence at L1 of new grade - no discretion required</p> <p>Where a member of staff has been acting up / seconded into the new role that they are successful for they maintained the level of pay – no discretion required, the secondment / acting up will count for incremental purposes.</p> <hr/> <p>There may be occasions when there are exceptions to this where the internal applicant may have requested a higher starting salary. Where this is the case then seek approval</p>	<hr/> <p>Appointing Manager and Head of HR on behalf of CCNC Pay Board</p>	<hr/> <p>Email requesting the higher salary and reason for the request (mini business case)</p> <p>New Starter Form</p> <p>HR Business Support – Recruitment</p>	<hr/> <p>CCNC Pay Board via email (due to meetings schedule and need to respond)</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
6	Market Supplements	New Request and Renewal After 2 Years: Where this is requested evidence of market rates and business case produced.	Application Form submitted to Chief Officer to Approve support for Market Supplement - then submitted to HR HR obtain relevant Market Data and discuss with Trade Unions HR Make recommendation to Support or reject and progress to CCNC Pay Board for approval	Application Form Market Data CCNC Pay Board Payroll	CCNC Pay Board via email (due to meetings schedule and need to respond)
7	Business Critical Retention Payments	Where this is requested evidence of retention issues produced, maximum 12 month retention	Application Form submitted to Chief Officer to Approve support for Retention case then submitted to HR HR consider evidence and discuss with Trade Unions HR Make recommendation to Support or reject and progress to CCNC Pay Board for approval	Application Form Relevant Evidence CCNC Pay Board Payroll	CCNC Pay Board via email (due to meetings schedule and need to respond)

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
8	Regrade of roles	<p>Job evaluation forms completed and outcome of panel shared with the Line Manager</p> <p>Line Manager has discretion not to implement and to do so they would need to remove the new elements added to the job description that resulted in the higher grade.</p> <p>Where the Line Manager accepts the new grade this is implemented from the date of the form being completed by the individual and line manager.</p>			
		<p>Discretion is considered where there has been disagreement in the effective date. Where this disagreement occurs, the Head of HR considers the evidence.</p>	<p>The JE Panel provides the JE forms to the Head of HR to consider the evidence.</p> <p>HHR speaks with the Trade Unions</p> <p>CCNC Pay Board to approve</p>	<p>JE Forms</p> <p>Relevant emails as evidence</p> <p>Decision of CCNC Pay Board</p>	<p>CCNC Pay Board via email (due to meetings schedule and need to respond)</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
9	Application of Allowances as agreed with Trade Unions	Application via the Line Manager as appropriate in line with guidance		Forms Self Service Payroll	Line Manager
10	Temporary Discretions to Allowance for business critical need	There are occasion where exception to normal allowances may be required to ensure statutory services are maintained	Relevant Line managers, Head of Service, HR and Trade Unions – often through a Task & Finish Group Reporting to CCNC Pay Board	Output from Task & Finish Group Approval from CCNC Pay Board	CCNC expected at a Scheduled meeting

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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).

Template

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

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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



Full Council

14 July 2022

Report of the Monitoring Officer

Amendments to the Council's Constitution

Summary

Full Council is invited to approve amendments to the Constitution in respect of Article 12 – Shareholders Committee, Article 20 – Corporate Parenting and Article 15 – Corporate Appeals and Article 18 - Health and Wellbeing Board.

Full Council is asked to note that a copy of this report will be reported to the next meeting of the Audit & Governance Committee.

Background

In May 2022, Full Council approved the adoption of a revised Constitution. It is good practice to ensure the Constitution remains fit for purpose and in response to feedback, a small number of amendments have been requested. The Chair of the Audit & Governance Committee has been consulted in respect of these proposed amendments.

As part of its work programme, Audit & Governance Committee will undertake an annual review of the constitution to ensure it remains fit for purpose to support the Council's decision making framework.

Article 12 – Shareholders Committee

Following the most recent meeting of the Shareholder Committee, the Committee has sought additional clarification to be inserted into the Article to aid their decision-making. As a result additions and amendments have been made to paragraphs 1.4 and 5.2 of Article 12

A copy of the revised Article appears as Appendix 1 to this report.

Article 20 – Corporate Parenting

In response to the recent ILACS inspection of Children's Services, the council's approach to Corporate Parenting has been revised for the purposes of the Constitution. This is to ensure that the voices of children and young people are clearly heard. As such the Article has been revised and the amended Article appears as Appendix 2 to this report.

This revised Article, also offers clarity as to the Elected Members appointed to Corporate Parenting Board and, subject to Full Council, approval, the Main Opposition Group Shadow Lead Members for both Children and Adults will also be invited to attend meetings of the Corporate Parenting Board.

Article 15 – Corporate Appeals

A technical amendment has been requested to reflect the change to the order of proceedings (paragraph 4) in the event a Corporate Appeals Committee is convened so that the applicant will present their case prior to the Council's representative presenting the council's case. The amended Article appears as Appendix 3 to this report.

Article 18 – York Health and Wellbeing Board

Following the CCG ceasing to exist from 1st July 2022, there is a need to amend the membership of the Health and Wellbeing Board. It is therefore proposed to make the following amendments:

The following will be deleted:

- The Chair of NHS Vale of York Clinical Commissioning Group (Vice-Chair)
- Executive Director of Primary Care and Population Health, NHS Vale of York Clinical Commissioning Group

And replaced with:

- York Place representative from the Humber and North Yorkshire Health and Care Partnership

At paragraph 5.1 the following will be deleted:

- ‘a representative of the NHS Vale of York Clinical Commissioning Group’

And replaced with:

- “a representative of the Humber and North Yorkshire Health and Care Partnership’

Recommendations

Full Council is invited to approve the amendments to the Council’s constitution as follows:

- 1) To approve the amendments made to Article 12 – Shareholders Committee;
- 2) To approve the amendments made to Article 20 – Corporate Parenting;
- 3) To approve the amendments made to Article 15 – Corporate Appeals;
- 4) To approve the amendments made to Article 18 - Health and Wellbeing Board;
- 5) To approve the appointment of the Main Opposition Group Shadow Lead Members for both Children and Adults to the Corporate Parenting Board;
- 6) To instruct the Monitoring Officer to ensure the Council’s Constitution is updated in accordance with the recommendations of Full Council.

Full Council is asked to note:

1. The Chair of the Audit & Governance Committee has been consulted in respect of the updating amendments to the Constitution and that this report will be retrospectively report to the next meeting of the Audit & Governance Committee.

Reasons for the Recommendation

These amendments will ensure that the Constitution remains up to date and fit for purpose to support the council's decision making framework.

Options

The Council has the option to reject the proposed amendments however such a course of action is not advised as in doing to the council's governance framework will be negatively impacted.

Implications

Financial

There are none directly arising from this report.

Human Resources (HR)

There are none directly arising from this report.

Equalities

There are none directly arising from this report.

Legal

The council is required to have a constitution setting out its governance framework for decision-making. The constitution is a public document. Amendments to the constitution are reserved to Full Council for approval.

Crime and Disorder, Information Technology and Property

There are none directly arising from this report

**Author & Chief Officer
responsible for the report:**

Janie Berry

Director of Governance &
Monitoring Officer

**Report
Approved**

Date 01/07/2022

Specialist Implications Officer(s):

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

All

For further information please contact the author of the report

Background Papers:

- The Council's Constitution

Appendices:

- Appendix 1 – Shareholder Committee revised Article
- Appendix 2 – Corporate Parenting revised Article
- Appendix 3 – Corporate Appeals revised Article

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ARTICLE 12 – SHAREHOLDER COMMITTEE

1 Purpose

- 1.1 The Shareholder Committee has been established by the Executive specifically to discharge the shareholder functions of the Council, in relation to those companies of which the Council is a shareholder.
- 1.2 The shareholder in this context is always the City of York Council, not the members of the Shareholder Committee themselves, or any Directors appointed to represent the Council on the boards of these companies.
- 1.3 The Shareholder Committee does not have day-to-day operational control over any of the companies of which the Council is a shareholder. The decisions that the Shareholder Committee is required to make in relation to a company are set out in the Shareholder Committee terms of reference, which is set out below and the Shareholder Agreement for each company.
- 1.4 All decisions regarding the day-to-day operation of each company are the responsibility of the Board of Directors of each company.

Each Board of Directors will include:

- a) “**Council Directors**” who for the purposes of this Article 12 are the non-executive (i.e., non-salaried) directors appointed by the Shareholder Committee (in conjunction with the Council’s Staffing Matters & Urgency Committee) in accordance with the Articles and/or Shareholder Agreement of the Company, to represent the Council on the Board. This category will often (but not always) include the Chair of the Board; and
- b) “**Non-Council Directors**” who for the purposes of this Article 12 include the executive (i.e., salaried) directors and the independent non-executive directors appointed by the Board. This category will include the Managing Director of the company.

In addition, the day-to-day liaison with the companies will be between the relevant client service of the Council and the Managing Director of each company.

1.5 There are two classifications of companies, which the Shareholder Committee regularly deals with:

1.5.1 “*Teckal Companies*” – these are companies that meet all of the following three criteria:

- a) There is no direct private capital participation in the company; in other words, either:
 - i. the Council is the sole shareholder in the company; or
 - ii. the shareholders are made up exclusively of public sector bodies, including the Council.
- b) The Council (either acting as the sole shareholder, or together with the other public sector owners) exercises effective control over the company’s affairs; in other words, the same as the relationship between the Council (and the other public sector owners where applicable), and one of their internal directorates.
- c) The company must be inward not outward focussed; in other words, at least 80% of the activity of the company – that is, over 80% of its turnover – must be for the Council, and where applicable its other public sector owners.

1.5.2 “*Non-Teckal Companies*” – these are companies that fall outside the definition of a Teckal Company, as summarised above.

Due to their very nature, Teckal Companies require a much greater deal of oversight from the Shareholder Committee than their Non-Teckal counterparts do.

2 Meetings of the Shareholder Committee

2.1 The Shareholder Committee will hold the following Meetings each year, each for the following purpose:

Purpose of Meeting	Frequency of Meeting	Does this apply to Teckal Companies?	Does this apply to Non-Teckal Companies?
To receive annual reports and annual accounts from companies	Once per annum	Yes	Yes
Performance Monitoring (subject to any alternative monitoring requirements set out within any Shareholder Agreement or contracts for goods/services/ works with the company)	Twice per annum, as a minimum.	Yes	Yes (once per annum)

2.2 Any other Meetings of the Shareholder Committee will be called as and when required to deal with company business.

2.3 Minutes, Notices and Agenda of Shareholder Committee Meetings shall be sent to Shareholder Committee members at least 5 working days prior to the Meeting.

3 Composition of the Shareholder Committee

3.1 The Shareholder Committee is a Committee of the Executive, comprised of Executive Members appointed to it by the Executive. These individuals will be appointed to the Shareholder Committee

in accordance with the Council Procedure Rules set out within the Constitution. Only members of the Executive who are not already appointed as directors on the boards of any companies in which the Council is a shareholder or the sole shareholder will be eligible to sit on the Shareholder Committee.

- 3.2 Only members of the Executive may sit and vote on any business laid before the Shareholder Committee.
- 3.3 A Chair and Vice-Chair will be appointed in accordance with the Council Procedure Rules set out within the Constitution.
- 3.4 A quorum of two and a maximum number of two Executive Members will be appointed to the Shareholder Committee. For the avoidance of any doubt, only members of the Executive who are not already appointed as directors on the boards of any companies in which the Council is a shareholder or the sole shareholder will be eligible to sit on the Shareholder Committee.
- 3.5 Substitutes, who must also be Executive Members, may be permitted at the discretion of the Chair.
- 3.6 In line with the arrangements for Executive meetings, the Leaders of each of the opposition groups, or their nominated substitute, will be invited to attend Meetings and be given full rights to participate in Meetings, although they will not be entitled to vote on any business laid before the Shareholder Committee.
- 3.7 A co-opted independent person will also be allowed to attend in the same capacity as set out above for opposition group Leaders or the substitutes, they too will not be entitled to vote on any business laid before the Shareholder Committee. The role of the co-opted independent person will be purely to provide a wider range of commercial and governance expertise to the Shareholder Committee.
- 3.8 The Chief Operating Officer, the Section 151 Officer and the Monitoring Officer (or their Deputies) will be in attendance as and when necessary unless their attendance is in the capacity as a

Link Officer. A legal advisor from the Council's Legal Services team will attend as an advisor to the Shareholder Committee.

- 3.9 A CYC client officer ('Link Officer') will be nominated for each company and will undertake the activities set out in Annex 1. The Link Officer in relation to each company will attend meetings of the Shareholder Committee.
- 3.10 The Chair of the Shareholder Committee may from time-to-time ask other Officers to attend Meetings of the Shareholder Committee to present and provide expert advice on specific issues to the rest of the Committee. The Chair and/or those Officers may invite additional advisors for this purpose. Again, if any such officers and/or advisors are asked to attend a meeting of the Shareholder Committee, they shall not be entitled to vote on any business laid before the Shareholder Committee.
- 3.11 The Executive Procedure Rules as at Appendix 4 of this Constitution apply to procedures and decision taking at meetings of the Shareholder Committee.

4 Terms of Reference

- 4.1 Subject to any relevant overriding provisions contained in a company's Shareholder Agreement or within a company's Articles of Association, the Shareholder Committee is established to undertake all of the following functions of the Council as a shareholder under the Companies Act 2006 by:

	Function	Teckal Companies	Non-Teckal Companies
a)	acting as the owner or joint owner of the Council's companies;	✓	✓
b)	approving or making amendments to strategic or	✓	

	Function	Teckal Companies	Non-Teckal Companies
	business plans;		
c)	monitoring performance and financial delivery against strategic business plans;	✓	
d)	approving the acquisition of shares in another company;	✓	
e)	approving the establishment of subsidiary companies;	✓	
f)	approving the appointment or dismissal of any company Directors (including the Chair), which requires Shareholder consent under the Articles and/or Shareholder Agreement of the company;	✓	✓ In so far as it requires a resolution of the Council and any other shareholders of the company.
g)	determining and approving all matters relating to terms and conditions of company Directors which require Shareholder consent under the Articles and/or Shareholder Agreement of the company;	✓	✓ In so far as it requires a resolution of the Council and any other shareholders of the company.
h)	determining and approving all matters relating to the entering of any contracts with company Directors, other than as permitted under any service agreement the company may have with the Council;	✓	✓

	Function	Teckal Companies	Non-Teckal Companies
i)	determining and approving all matters relating to the employment of the senior management team of the company which require Shareholder consent under the Articles and/or Shareholder Agreement of the company;	✓	
j)	approving changes to share capital and the admission of additional shareholders;	✓	<p>✓</p> <p>In so far as that it relates to:</p> <ul style="list-style-type: none"> • any instruction to the Directors to allot shares; • any increase in the authorised share capital of the company; • any reduction in the authorised share capital of the company; • any sub-division, consolidation, or re-denomination shares; • variation of class rights attached to shares;

	Function	Teckal Companies	Non-Teckal Companies
			<ul style="list-style-type: none"> • any purchase of shares by the company itself; • any alteration to the company's Articles of association relating to pre-emption rights, or relating to the shares of the company; or • any disapplication of pre-emption rights, <p>or any other matter that requires a resolution of the Council and any other shareholders of the company by law or otherwise.</p>
k)	approving disposals of assets valued under £500,000;	✓	✓ In so far as it relates to a Substantial Property Transaction (as defined in the Companies Act 2006) with one of the Directors (or a connected person of that Director), and therefore requires a

	Function	Teckal Companies	Non-Teckal Companies
			resolution of the Council and the other members of the company.
l)	approving borrowing up to £100,000;	✓	<p>✓</p> <p>In so far as the financial assistance being sought is:</p> <ul style="list-style-type: none"> • by one of the Directors, or • by persons connected with one of the Directors, or • by the company to purchase its own shares, <p>and therefore requires a resolution of the Council and any other shareholders of the company.</p>
m)	approving and making grants or loans up to £500,000 other than by way of normal trade credit, subject to approval from the Council's Chief Financial Officer in line with the Council's Financial Regulations, and taking appropriate legal advice on any requirements under the UK	✓	<p>✓</p> <p>In so far as the financial assistance being sought is:</p> <ul style="list-style-type: none"> • by one of the Directors, or

	Function	Teckal Companies	Non-Teckal Companies
	Subsidy Control Regime and necessary grant or loan terms and conditions, and the usual risk assessments;		<ul style="list-style-type: none"> • by persons connected with one of the Directors, or • by the company to purchase its own shares, <p>and therefore requires a resolution of the Council and any other shareholders of the company.</p>
n)	entering, amending or terminating any agreements which create a potential liability for the company in excess of £250,000 up to £500,000;	✓	
o)	making changes to the nature of the company's business;	✓	<p>✓</p> <p>In so far as that it relates to:</p> <ul style="list-style-type: none"> • amendments to the company's Articles of Association or Shareholders Agreement; • re-registering the company from private to public (or vice versa) or limited to unlimited (or vice versa).

	Function	Teckal Companies	Non-Teckal Companies
p)	approving a decision which could otherwise be taken by a Council Director, but which would, if being taken by the Council, amount to a key decision;	✓	
q)	approving any dividends requiring Council consent;	✓	✓
r)	exercising any powers to issue instructions to company directors;	✓	✓ In so far as it requires a resolution of the Council and any other shareholders of the company.
s)	exercising decision making over reserved matters set out in a company's Shareholder Agreement;	✓	✓
t)	making recommendations to Executive for any investment in/asset transfers to or lending to companies;	✓	✓
u)	delegating specific functions to Officers of the Council to increase commercial flexibility.	✓	

Any advice required by Shareholder Committee Members in relation to the above Terms of Reference and the impact of any provisions within a company's Articles of Association or any

existing Shareholder Agreements must be sought from the Council's Legal Services Department.

5 Delegated powers

5.1 The Shareholder Committee has the power within its terms of reference to exercise all the Council's powers arising from the Council's role as the shareholder and owner of the company, other than the following decisions, which are reserved exclusively to the Executive:

- a) changes to company governance e.g. including amending a company's Articles of Association or its Shareholder Agreement;
- b) agreements to any amalgamation, merger, division, joint venture, take-over, profit sharing, re-registration from private to public (or vice-versa), re-registration from limited to unlimited (or vice versa), compromise arrangements, or similar arrangements, subject to consultation with the Council's Chief Finance Officer;
- c) approval of any disposals of assets valued over £500,000, subject to the company's Articles of Association;
- d) approval of any grants and/or loans in excess of £500,000;
- e) approving borrowing in excess of £100,000;
- f) entering, amending or terminating any agreements which create a potential liability for the company in excess of £500,000; and
- g) approving steps to wind up a company.

5.2 The following decisions are reserved exclusively to the Staffing Matters and Urgency Committee:

- a) approving the appointment or dismissal of Council Directors (including (where applicable) the Chair);
- b) determining and approving all matters relating to terms and conditions of Council Directors that require Shareholder consent under the Articles and/or Shareholder Agreement of the company; and
- c) determining and approving all matters relating to the entering of any contracts with Council Directors, other than as permitted under any service agreement the company may have with the Council.

For the avoidance of any doubt, the Shareholder Committee has delegated authority to exercise all the Council's powers arising from the Council's role as the Shareholder and owner of the company on all matters relating to either:

- a) the appointment, dismissal, the terms and conditions, and entering into contracts with Non-Council Directors; and
- b) determining and approving all matters relating to the senior management of the company,

insofar as such matters require Shareholder consent under the Articles and/or Shareholder Agreement of the company.

5.3 The following decisions may be taken under delegated powers of the Chief Operating Officer:

- a) approving changes to the location in which the company works;
- b) approving alterations to company's name or registered office;
- c) matters relating to the employees or agents of the company other than its senior management team;
- d) where required giving any further specific approval to a matter provided for within the approved business plan;

- e) approving changes to accounting arrangements; and
- f) entering, terminating or amending any agreements that create a potential liability for the company not exceeding £250,000.

ANNEX 1: Link Officers

1. Each company shall have a nominated CYC client officer ('Link Officer') who will engage monthly (or more frequently as required) with that company to ensure that Shareholder Committee is provided with:
 - a) Updates in respect of company performance, market conditions and assurance
 - b) Details of strategic plans, funding and other requirements
 - c) Sufficient information to evaluate any new business proposals
2. The Link Officers will review reports from their nominated company before they are submitted to the Shareholder Committee, liaising with finance, legal or other colleagues as necessary maintain joint risk registers as required and ensure Shareholder Committee is provided with the level of detail and analysis required to fulfil its role.
3. Link Officers are required to:
 - a) Actively communicate and collaborate with the company and CYC officers as required, including the Director of Governance, Chief Finance Officer and Chief Operating Officer or their nominated representatives.
 - b) Build and maintain effective and transparent relationships with all parties.
 - c) Actively work to promote and improve good working relationships between the Council and its companies.
 - d) Take appropriate action to avoid conflicts of interest and, where a potential conflict is identified, to assist in managing any such conflict.
 - e) Ensure that the company has the appropriate level of support and challenge, including support to deliver agreed objectives and challenge to minimise or mitigate any risk to the Council. The appropriate balance of challenge and support will depend on the company objectives, the nature of the relationship with the company (i.e. whether wholly or partly owned), performance and risks or opportunities.
 - f) Manage and maintain effective relationships between shareholder representatives and the company.

- g) Appropriately feedback any concerns of the Council to the company and vice versa.
- h) Review board decisions and actions and identify any concerns in relation to directors potentially exceeding the remit of their powers.
- i) Flag any issues and risks as quickly as possible.

ARTICLE 20 – CORPORATE PARENTING BOARD SUPPORTING YORK'S COMMITMENT TO CORPORATE PARENTING

1 Introduction

- 1.1 City of York Council looks after a number of children and young people who are unable to remain in the care of their parents. When a child comes into our care the tasks of their parents become the corporate responsibility of the Council. This is known as 'corporate parenting' and it is the collective responsibility of the Council to prioritise the needs of children in care and care leavers and seek for them the same outcomes any good parent would want for their own children.

2 Purpose of the Board

- 2.1 To actively listen to the views of our children and young people so that the Council is able to adapt its corporate parenting in line with their wishes, feeling and needs.
- 2.2 To act as a forum where our young people are able to hold Members and Officers to account as their parents.
- 2.3 To raise the awareness of the Council's Corporate Parenting responsibilities and knowledge among elected Members and officers.
- 2.4 To support and make recommendations to relevant Council bodies on matters related to corporate parenting.

3 York Vision for Children and Young People in Care and Care Leavers

- 3.1 We are committed to York being an effective, caring, and ambitious corporate parent and we will do everything we can to make sure that children in our care and care leavers receive the best possible care and support.
- 3.2 The overarching vision of City of York Council is "A better start for children and young people" and we look to achieve this

through our mission statement; “every conversation starts with the child.”

- 3.3 Through our practice, we have agreed to adhere to our values that ensure we can deliver positive outcomes:
- a) Everyone feels safe
 - b) Risk is understood and managed well
 - c) Practice is consistently good
- 3.4 We want our children and young people to be happy and healthy, both physically and emotionally, to be safe and protected from harm and exploitation, to achieve their potential and to be supported each step of the way to adult life.
- 3.5 The council has strong engagement with children and young people in care and care leavers who tell us what more we should be doing to further improve their lives and future outcomes. The Council highly values their experiences and we are committed to acting on what they tell us and involving them in decisions that affect their lives.
- 3.6 Our Corporate Parenting and Children in Care Strategy sets out our ambition for our children and young people and care leavers and how we intend to fulfil our corporate parenting responsibilities and strategic priorities in a way which puts children and young people and care leavers at the centre of improvements in the planning, delivery and evaluation of our services.

4 Aims and objectives of the Board

- 4.1 To meet this purpose the Corporate Parenting Board will:
- a) Provide leadership across the city to create a more effective and efficient health and wellbeing for children and young people in care and care leavers
 - b) Make sure that the whole council and relevant partner agencies commit to excellent standards of corporate parenting.

- c) Set high expectations and stable relationships for all children and young people in care
- d) Seek improved long term outcomes for children and young people in care and their families – for their happiness; well-being; educational success; and future prospects
- e) Make sure that the voice of the child and young person in care influences both policy and the services that they receive, and that young people are engaged with any action intended to develop and improve services or to recruit key staff members
- f) Oversee and monitor key performance indicators for the health, well-being and education of looked after children
- g) Champion the provision of Council based work placements and apprenticeships for children and young people in care and care leavers.
- h) Review and monitor progress on the actions identified in the Corporate Parenting and Children in Care Strategy
- i) Monitor the delivery of York's Guarantee to children and young people in care and the Care Leavers Offer.
- j) Consider the outcomes of regulatory visits and inspection reports on provision for children in care
- k) Celebrate the achievements of children and young people in care and their carers
- l) Determine ways in which the role of corporate parenting can be improved, using examples from other local authorities/organisations.

5 Membership of the Board

- 5.1 The Board will be chaired by The Executive Lead for Education Children's and Young People Services and a deputy chair will be sort through a representative of Show Me I Matter and I Still Matter (if they wish to take up this role)The deputy chair will chair the meeting in the absence of the chair
- 5.2 The deputy chair will be nominated at the first meeting of each year.
- 5.3 The Membership of the Board will consist of:

- a) Up to 4 representatives from Show Me I Matter and Still Matter
- b) A maximum of 4 Elected Members drawn from:
 - The Executive Member for Education, Children and Young People's Services (is also a member of Show Me that I Matter Panel).
 - The Executive Member for Adults Social Care and Public Health in the capacity of being a member of Show Me that I Matter Panel
 - Main Opposition Group Shadow Lead Member for Education, Children and Young People's Services
 - Main Opposition Group Shadow lead member for Adults, Social Care, and Public Health
- c) Corporate Director of Children's Services
- d) Corporate Director of Adults and Integration
- e) Director of Children's Safeguarding
- f) Head of Service – Corporate Parenting

Corporate Parenting Advisors (Council Officers) will also attend and support the Corporate Parenting Board as and when required.

5.4 The Board will also have the power to co-opt non-voting Members to advise which will include the following:

- a) Assistant Director - Education/Virtual School Head
- b) Chief Nurse ICS place
- c) Care experienced young people as recommended by Show Me That I Matter and I Still Matter
- d) Up to two Foster Carers
- e) Other significant agencies/services involved in corporate parenting as and when required i.e. Police
- f) Representative of DWP
- g) Housing Representative
- h) CAMHS/Mental Health Representative

5.5 The Board can review its overall membership and can make changes to the co-opted representation at any time.

6 Meetings of the Board

- 6.1 This Board does not have decision making powers and is not a formal Board (Committee) of the Council, but will be able to provide recommendations for the Executive and the Corporate Management Team to consider.
- 6.2 The meetings of the Board will take place on a quarterly basis in private and therefore will not be live streamed.

7 Annual Report

- 7.1 The Board will prepare an Annual Report which will be presented to a meeting of Full Council to be presented by the young person appointed as co-chair (with contribution from the Elected Member chair if and when appropriate). The Annual Report will provide all Elected Members with the opportunity to be appraised of their corporate parenting responsibilities, the effectiveness of the Board and the work of the Council in using its services to best promote the support provided to children in care and care leavers.
- 7.2 The Annual Report will also be shared with the Chairs and Vice Chairs of the council's scrutiny committees.
- 7.3 The Annual Report and work of the Corporate Parenting Board must be meaningfully shared with children and young people.

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ARTICLE 15 A - CORPORATE APPEALS COMMITTEE**1 Composition**

- 1.1 The Council will establish a Corporate Appeals Committee.
- 1.2 The Chair of the Committee shall be appointed at the commencement of the Meeting.
- 1.3 The Committee may convene a Panel of 3 Members drawn from its Membership to exercise its Corporate Appeals Committee functions. Nominated substitutes are permitted if a Member of the Committee is not able to attend. Appeal Committee Members and substitutes are appointed by Full Council.
- 1.4 The Panel will not include any Member with a direct personal involvement in the complaint in question.
- 1.5 Where practicable every reasonable effort will be taken to ensure a gender mix of Members of the Panel.

2 Role and Functions

- 2.1 The Corporate Appeals Committee will determine appeals in relation to the following matters:
 - a) To determine appeals made by Non-Statutory Chief Officers against action short of dismissal.
 - b) To determine appeals made by Non-Statutory Chief Officers against dismissal.
 - c) To determine appeals made by Non-Chief Officers against dismissal and actions short of dismissal.
- 2.2 Appendix 12, Officer Employment Procedure Rules, contains the procedures for recruitment, disciplinary and dismissal of Chief Officers.

3 Nature of Corporate Appeals Committee

3.1 Appeals are heard as a measure of good administration, they are not statutory. The Corporate Appeals Committee observes the rules of natural justice and to that end:

- a) No Member of the Committee should have a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the proceedings;
- b) All parties should be given an equal opportunity to present their case without unreasonable interruption;
- c) The decision of the Committee is based on the written evidence submitted and the evidence submitted at the Meeting;
- d) All written evidence must have been seen by all parties. If a new issue arises during the proceedings, parties should be offered an opportunity to consider and comment on it;
- e) Council policies are not applied in a blanket fashion. They are considered in relation to the circumstances of each Appeal.

4 Procedure

4.1 The following formal procedure will normally be observed:

- a) The Appellant and/or their representative and the Officers appearing for the Council are invited into the Meeting;
- b) The Chair of the Appeals Committee will confirm the nature of the appeal and ensure that the Appellant and/or their Representative are aware of the procedure to be followed;
- c) The Appellant and / or their Representative will be invited to present their case;
- d) The Committee will be invited to put questions to the Appellant and /or Representative;

- e) The Council's Representative will be invited to put questions to the Appellant and / or Representative;
- f) The Council's Representative will be invited to present the Council's case;
- g) The Committee will be invited to put questions to the Council Representative;
- h) The Appellant and / or Representative will be invited to put questions to the Council's Representative;
- i) The Appellant and / or Representative will be invited to make a closing statement;
- j) The Council's Representative will be invited to make a closing statement;
- k) The Appellant and/or their Representative and the Council's Representative(s) will be asked to leave the Meeting while the Committee considers the evidence;
- l) As soon as practicable, but no more than five working days after the Committee has made its decision, the Democracy Officer will notify in writing the parties of the Committee's decision. The notification should give the Committee's decision and reasons for that decision, which should be clear and easy to understand.

Members of the Committee may ask questions at any time during the Corporate Appeals Committee.

Members will be advised by a HR professional and/or employment lawyer.

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Audit & Governance Committee – work plan

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

Theme	Item	Lead officers	Scope
7th September - (agenda published 30 August)			
Risk	Key Corporate Risks monitor 1	<u>CYC</u> Helen Malam	Update on Key Corporate Risks (KCRs)
Governance	Embedding Good Governance	<u>LGA</u> Mark Edgell	Second report of the LGA.
Governance	Exit Strategies Guidance	<u>CYC</u> Janie Berry / Helen Whiting	CYC's response to Government Guidance.
Governance	Amendments to the Constitution	<u>CYC</u> Janie Berry	Retrospective receipt of report to Full Council on 14 th July.
19th October (agenda published 11 October)			
Governance	Corporate Governance Report	<u>CYC</u> Lorraine Lunt	To provide Members with an update on corporate governance including issues.
Governance	Report of the Monitoring Officer	<u>CYC</u> Janie Berry	To include progress on embedding good governance.
Veritau (internal audit / counter fraud)	Internal audit & counter fraud progress report	<u>Veritau</u> Max Thomas/ Richard Smith	An update on progress made in delivering the internal audit work plan for 2022/23 and on current counter fraud activity.
Risk	Key Corporate Risks monitor 2	<u>CYC</u> Helen Malam	Update on Key Corporate Risks (KCRs)
30th November (agenda published 22 November)			
Finance	Final Accounts	<u>CYC</u>	Date subject to External Audit.

		Debbie Mitchell/Emma Audrain	
Finance	Audit Completion Report	<u>CYC</u> Debbie Mitchell/Emma Audrain	Date subject to External Audit.
Finance	Treasury Management Midyear Review	<u>CYC</u> Debbie Mitchell	
Veritau (internal audit / counter fraud)	Internal audit & counter fraud progress report	<u>Veritau</u> Max Thomas/ Richard Smith	An update on progress made in delivering the internal audit work plan for 2022/23 and on current counter fraud activity.
18th January 2023 <i>(agenda published 10 January)</i>			
Veritau (internal audit / counter fraud)	Consultation on the annual audit work programme	<u>Veritau</u> Max Thomas/ Richard Smith	To seek the committee's view on priorities for audit work in 2023/24.
Veritau (internal audit / counter fraud)	Annual review of the counter fraud framework	<u>Veritau</u> Max Thomas/ Richard Smith	To present the findings of the annual review of the counter fraud framework and risk assessment, and seek comments on any updates needed to counter fraud and related policies.
Finance	Treasury Management Strategy	<u>CYC</u> Debbie Mitchell	
Governance	Report of the Monitoring Officer	<u>CYC</u> Janie Berry	To include progress on embedding good governance.
Governance	Embedding Good Governance	<u>CYC</u> Janie Berry	
Governance	Corporate Governance Report	<u>CYC</u> Lorraine Lunt	To provide Members with an update on corporate governance including issues.
Risk	Key Corporate Risks monitor 3	<u>CYC</u> Helen Malam	Update on Key Corporate Risks (KCRs)
15th March 2023 <i>(agenda published 7 March)</i>			
Governance	Corporate Governance Report	<u>CYC</u> Lorraine Lunt	To provide Members with an update on corporate governance including issues.

Risk	Key Corporate Risks monitor 4	CYC Helen Malam	Update on Key Corporate Risks (KCRs)
Veritau (internal audit / counter fraud)	Approval of indicative annual internal audit programme and counter fraud plan	<u>Veritau</u> Max Thomas/ Richard Smith	To seek approval for the 2023/24 internal audit work programme, and the counter fraud plan.
Veritau (internal audit / counter fraud)	Internal audit & counter fraud progress reports	<u>Veritau</u> Max Thomas/ Richard Smith	An update on progress made in delivering the internal audit work plan for 2022/23 and on current counter fraud activity.

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