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Meeting	Audit and Governance Committee
Date	30 November 2020
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), Daubeney, Lomas, Mason, Wann and Webb
In Attendance	Councillor Crawshaw

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#### **24. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. No interests were declared.

#### **25. Public Participation**

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

John Young spoke on matters within the committee's remit, querying the lack of response to his submission of a Freedom of Information (FOI) request 3 months ago on disbursements of Section 106 funds.

Gwen Swinburn spoke on Agenda Items 4 (Information Governance & Complaints) and 6 (Corporate Complaints and Feedback Procedures), raising concerns about the fairness of the council's complaints and social media policies and lack of information on the FOI disclosure log.

#### **26. Risk Management of the York Central Project**

Members considered a report which presented an overview of risk management arrangements for the council as part of the York Central Partnership (YCP), together with the most recent up to date versions of the risk registers used to track and manage risk.

The report had been brought in accordance with a request by the Customer & Corporate Services Scrutiny Management Committee (CCSMC) (Calling-in) on 13 August 2020 that this

committee examine the Key Corporate Risks (KCRs) for capital projects, and a subsequent request by the chair of this committee to receive a report on the KCRs associated with the York Central project. The Chair of CCSMC was in attendance at the meeting for this item.

Members questioned officers at length on the report and its annexes, which comprised the risk registers of the Delivery Co-ordination Board (DCB) (Annex 1) and Infrastructure Delivery Board (IDB) (Annex 2), and the interim risk register developed by the council to capture risks not covered in Annexes 1 and 2 (Annex 3). Concerns focused chiefly around: the cumulative impact of risks that might result in additional costs to the council as the project moved forward; the stopping-up of Leeman Road; the implications of award of the £77m MHCLG infrastructure funding to major landowners instead of to CYC; and the council's control over the £35m Enterprise Zone (EZ) funding. In responding to questions, officers stated that:

- The high level overall strategic risk had not changed; however, it was not possible to foresee at a single point in time every risk that might arise over the life of the project.
- Reports taken to Executive at each decision stage included full details of the risks relating to those decisions.
- The risks identified as 'various' in Annex 3 related to risks detailed in Annex 2.
- The council retained planning and highway control, including over the road to be paid for from the £77m MHCLG grant.
- All funding was essentially taxpayers' money that must be accounted for through the governance arrangements of the parties involved.

Resolved: (i) That the content of the report and the information provided at the meeting be noted.

(ii) That the issues raised at this meeting be addressed in the quarterly report to the Customer & Corporate Services Scrutiny Management Committee in January 2021.

(iii) That future reports to the Audit & Governance Committee on the KCRs associated with the York Central project include the risks detailed in the IDB risk register.

(iv) That, should officers become aware of any proposed change to the project involving a significant risk, the matter be considered if possible at the next available meeting of the Audit & Governance Committee before being taken to Executive.

Reason: To ensure that the committee maintains an appropriate oversight of the risks associated with the York Central project.

## **27. Information Governance and Complaints**

Members considered a report which provided updates in respect of information governance performance, Information Commissioner's Officer (ICO) decision notices, publication of the disclosure log and Local Government & Social Care Ombudsman (LGSCO) complaints received since the last report to committee, in February 2020.

Information on performance was shown in graph form at Annex 1 to the report. This reflected some extensions to timescales resulting from the impact of Covid-19 on service areas. Summaries of the three decision notices published by the ICO since the last update were attached at Annex 2. The two complaints upheld and partly upheld due to responses not meeting required timescales had been made at a time when resources were diverted to Covid-19. Annex 3 detailed the 19 cases determined by the LGSCO since 17 February, of which 4 had been upheld.

In response to Members' questions on this and the following report, officers confirmed that:

- A recent increase in Environmental Information Regulations (EIR) requests, probably due to the submission of some large development plans, would continue to be monitored.
- The missing data from Q3 of 2019/20 on FOI requests responded to in time (p.37) would be circulated to Members.
- Failure to respond in time was sometimes due to the complex nature of FOI and EIR requests; there were plans to address this by piloting an 'end to end' system in some service areas and by updating customers in a more timely way if a full response was unlikely to be given in time.

- Senior managers across departments were aware of the issues with complaints and of the pilot, which aimed to involve the complaints team at an earlier stage and was already getting positive responses; it was hoped to include early data in the next update report.

Resolved: That the content of the report be noted.

## **28. Annual Complaints Report**

Members considered a report which presented highlights from the Annual Complaints report from March 2019 to April 2020, shown in full at Annex 1.

The Annual report covered complaints about adults' and children's social care services, other council services dealt with under the council's corporate complaints procedures, Ombudsman cases, and other feedback on services, including compliments received.

There had been an increase in social care complaints compared to the previous year, mostly in relation to delays. On the positive side, increases could reflect improved access to complaints procedures, and feedback provided opportunities to improve. Examples of improvement were highlighted in paragraphs 3.6, 5 and 6.5 of the covering report. Between April 2019 and March 2020, the LGSCO had dealt with 68 cases about the council, 61 of which were concluded, and were satisfied in 100% of cases that the council had successfully implemented their recommendations. The complaints team were currently reviewing their working practices and the corporate complaints policy and procedures.

Resolved: That the details contained in the report be noted.

## **29. Corporate Complaints and Feedback Proposals**

Members considered a report which presented proposals for a revised and refreshed Corporate Complaints and Feedback policy and procedures, as part of the council's review of the governance of complaints and feedback handling.

Officers gave a slide presentation at the meeting to explain the reasons for the review, the main changes proposed in moving from a hierarchical and rigid three-stage process to one more

responsive to complainants' needs, and the benefits this would bring to both customers and the council. The proposed policy and procedures were attached at Annex 1 to the report, with a summary of the changes at Annex 2 and the LGSCO's guidance on complaint handling at Annex 3.

Members commented on the importance, when classifying complaints as 'unreasonable' (Section 13) to distinguish between persistent complaints raising serious issues and those that were merely vexatious, and the need for consistency in the system so that trends could be compared over time. In response to questions, and matters raised under Public Participation, officers confirmed that:

- They would be working with the web content team to make the relevant documents accessible online; printed copies could be made available on request.
- The proposals included processes for dealing with informal feedback, including compliments.
- Customers were never 'blocked' by the council, but were dealt with in accordance with LGSCO advice, including allocation of a single contact point if applicable; the process was subject to regular review and the customer was kept informed.

Resolved: (i) That Option 2 be approved, and the proposed policy and procedures set out in Annex 1 to the report be adopted.

Reason: To ensure that the council's complaints and feedback policy is fit for purpose and accords with the LGSCO's guidance on effective complaint handling.

(ii) That Members' comments on the policy be shared with the Customer & Corporate Services Scrutiny Management Committee.

(iii) That feedback on the operation of the policy be brought to the committee on a regular basis.

Reason: To enable the Audit & Governance Committee to monitor the progress and effectiveness of the policy.

Cllr M Pavlovic, Chair

[The meeting started at 5.37 pm and finished at 9.44 pm].