

Governance and Ethics Committee

Wednesday, 15 January 2025 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

1	Minutes of Last Meeting held on 27 November 2024	3 - 8
2	Apologies for Absence	
3	Declarations of Interests by Members and Officers:- (see note below)	
4	Update on Local Government and Social Care Ombudsman Decisions October-November 2024	9 - 22
5	Counter Fraud Progress Report	23 - 30
6	Appointment of Independent Remuneration Panel Members	31 - 34
7	English Devolution White Paper - Proposed Changes to Standards and Audit Regime	35 - 40
8	Work Programme	41 - 44

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Noel McMenamin (Tel. 0115 993 2670) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting GOVERNANCE AND ETHICS COMMITTEE

Date Wednesday 27 November 2024 (commencing at 10.30am)

membership

COUNCILLORS

Philip Owen (Chairman)
Callum Bailey (Vice-Chairman)

Chris Barnfather	Sue Saddington
Samantha Deakin - Apologies	Helen-Ann Smith - Apologies
Errol Henry JP -	Nigel Turner
Andy Meakin - Apologies	Roger Upton
Michael Payne - Apologies	

SUBSTITUTE MEMBERS

Councillor Jim Creamer (substitute for Councillor Michael Payne MP)

OFFICERS IN ATTENDANCE

Richard Elston (remote)	- Chief Executives
Glen Bicknell	
Keith Ford	
Andrew Howarth	
Simon Lacey	
Gareth Moss	
Noel McMenamin	
Dom Monahan	
Ejaz Patel	
Nigel Stevenson	
Marjorie Toward	
Alistair Newhall	- Mazars
Bethan Vance	

1. MINUTES

The Minutes of the last meeting held on 16 October 2024, having been previously circulated, were confirmed and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

- Councillor Sam Deakin (other reasons)
- Councillor Andy Meakin (other reasons)
- Councillor Helen-Ann Smith (other reasons)
- Councillor Michael Payne MP (other reasons)

3. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

None.

4. UPDATE ON LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN DECISIONS (SEPTEMBER - OCTOBER 2024)

The report set out information about Local Government and Social Care Ombudsman decisions relating to the Council since the previous report to Committee. On this occasion, there were no investigations nor fault found with any of the cases under consideration, and therefore no further actions arising.

RESOLVED: 2024/44

That the findings of the Local Government and Social Care Ombudsman be noted

5. EXTERNAL AUDIT – AUDIT COMPLETION REPORT 2023-24

The report highlighted the content of the external auditors' Audit Completion Reports for 2023-24 in respect of the County Council and Pension Fund and sought approval to delegate approval of the Statement of Accounts for 2023-24 on completion of all external audit work.

During debate, it was confirmed that an unqualified audit opinion was expected to be signed off in early December 2024, once residual external audit work had been completed. No significant weaknesses had been identified and the both the County council and Pension Fund were considered to be in a strong position for audit going forward.

The Committee placed on record its thanks to the Service Director (Finance, Infrastructure and Improvement) and his teams for their work in delivering a positive outcome for the Audit Completion Report process.

RESOLVED 2024/45

That:

- 1) The External Auditors' Audit Completion reports 2023-24, and Committee's comments on them, be noted;

- 2) Responsibility be delegated to the Section 151 Officer, in consultation with the Chairman of the Governance and Ethics Committee to approve the Statement of Accounts 2023-24 on completion of all external audit work.

6. GOVERNANCE UPDATE

The report provided an update on the progress being made with the Governance Action Plan for 2024-25.

During debate, it was agreed that responses to questions raised about transformation and recruitment and retention in Adult Social Care would be requested via Overview Committee and Adults Select Committee respectively.

RESOLVED: 2024/46

That the actions highlighted in the report be noted.

7. INTERNAL AUDIT TERM 1 PROGRESS AND TERM 3 PLAN 2024-25

The report provided an update on the work carried out by the Internal Audit function in Term1 of 2024-25 and consulted with the Committee on the Internal Audit plan for Term 3 of 2024-25.

During discussion, it was explained that where opinion- based assurance work had identified limited assurance it was primarily within the accounts of small schools

RESOLVED: 2024/47

That the outcome of the Internal Audit work carried out in Term 1 of 2024-25, and the planned coverage of Internal Audit's work in Term 3 of 2024-25 to be progressed to help deliver assurance in priority areas be noted.

8. FOLLOW-UP OF INTERNAL AUDIT RECOMMENDATIONS

The report highlighted the management actions taken to address Internal Audit recommendations since the previous update.

RESOLVED: 2024/48

That:

- 1) The report contents and the progress made against the internal audit recommendations be noted;
- 2) A further progress report and update on those outstanding actions be included in the next six-monthly review.

9. CORPORATE RISK MANAGEMENT UPDATE

The report highlighted developments in the Council's arrangements for corporate risk management.

It was confirmed that future reports would include trend/direction of travel information – the current report was a baseline report in a revised format so did not feature trend analysis.

RESOLVED: 2024/49

That:

- 1) The report contents be noted and the Risk Management Framework be endorsed;
- 2) A further progress report and update be presented to the Committee in six months.

10. ENABLING REMOTE ATTENDANCE AND PROXY VOTING AT LOCAL AUTHORITY MEETINGS - CONSULTATION

The report proposed a response on behalf of the Council to the Government's open consultation on remote attendance and proxy voting at local authority meetings.

There was strong support for the issue of remote attendance to be a 'local choice' issue for local authorities. The Committee was not supportive of proxy voting at local authority meetings.

RESOLVED: 2024/50

That:

- 1) The recommendation of the cross party members working group response at Appendix A to the report to the Government's consultation on remote attendance and proxy voting report contents and the progress made against the internal audit recommendations be noted;
- 2) That the draft response be updated by the Team Manager, Democratic Services to reflect the relevant views agreed by the Committee in their discussions and, following further consultation with the Chairman of the Committee, be finalised and submitted to the Ministry of Housing, Communities and Local Government ahead of the 19 December 2024 deadline.

11. PROPOSED AMENDMENTS TO CONSTITUTION – RESPONSIBILITY FOR SCRUTINY OF PUBLIC HEALTH

The report set out the findings of a cross party working group of councillors with responsibility for providing input on amendments to the Constitution on the future scrutiny of Public Health matters.

RESOLVED: 2024/51

That:

- 1) The recommendation of the cross party members working group that Overview Committee is the most appropriate location for scrutiny of Public Health matters be agreed; and
- 2) The proposed changes to the Constitution as detailed at Appendix A to the report be recommended to Council for approval.

12. GEDLING COMMUNITY GOVERNANCE REVIEW

RESOLVED: 2024/52

That the Chief Executive be authorised to submit the letter at Appendix A to the report as a courtesy response to the consultation on Gedling Borough Council's draft proposals, reserving its position for any formal response to phase 2 of the consultation.

13. WORK PROGRAMME

RESOLVED: 2024/53

That the work programme be approved.

The meeting closed at 11.23am

CHAIRMAN

15 January 2025

Agenda Item: 4

REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS OCTOBER 2024 TO NOVEMBER 2024

Purpose of the Report

1. To inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council since the last report to Committee was completed and therefore any decisions after 21st October 2024.

Information

2. Members have asked to see the outcome of Ombudsman investigations regularly and promptly after the decision notice has been received. This report therefore gives details of all the decisions received since the last report to this Committee.
3. The LGSCO provides a free, independent and impartial service to members of the public. It looks at complaints about Councils and other organisations. It only looks at complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGSCO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the Ombudsman finds that something has gone wrong, such as poor service, a service failure, delay or bad advice and that a person has suffered as a result, the LGSCO aims to get the Council to put it right by recommending a suitable remedy.
4. The LGSCO publishes its decisions on its website (www.lgo.org.uk/). The decisions are anonymous, but the website can be searched by Council name or subject area.
5. A total of five decisions relating to the actions of this Council have been made by the Ombudsman in this period. Appendix A to this report summarises the decisions made in each case for ease of reference and Appendix B provides the full details of each decision.
6. Full investigations were undertaken into two complaints. Appendix A provides a summary of the outcomes of the investigation. Where fault was found, the table shows the reasons for the failures and the recommendations made. If a financial remedy was made the total amount paid or reimbursed is listed separately.

7. There was fault found in one case. This case is in Childrens. The complaints is from Mrs X who says the Council failed to arrange suitable education for her son, Y, when he was unable to attend his school. She says Y lost much education. She had to spend much time trying to support him and communicating with the Council. Mrs X funded privately some educational provision she identified as suitable for her son.

When children and young people are unable to attend school for physical or mental health reasons schools are expected to contact the Nottinghamshire County Council Health Related Education Team for support and advice. Schools are also able to secure advice and guidance from a range of specialist support teams and to seek additional funding if any is necessary to put appropriate support in place.

In this case the school did notify the Health Related Education Team in October 2023 that the pupil was not attending school, but could have done so earlier.

The HRET involvement has been in place since October and Mrs X is complimentary about the support offered, but there was a period of time where Mrs X believed that her son could have accessed learning through a personalized package had this been put more quickly in place. In Nottinghamshire there is an expectation that schools will seek the support to make such provision from the Local Authority. Mrs X was not made aware of this process by the SEND Officers or the school and clearly believed that she was addressing this concern by informing the LA SEND Team (ICDS).

Additional funding was requested by the school in March 2024 to further develop the personalized learning package that they had put in place and this was approved and the school were allocated funding at a rate of HLN3 (£24,000pa) from March until the end of the academic year when the pupil left the school.

Nottinghamshire County Council has a clear process that all staff are expected to follow if they become aware of a pupil who is missing from education. This will be reshared with all front line SEND staff as it is clear that on this occasion that whilst Mrs X had shared the fact that her child was not in school with SEND (ICDS) staff as part of the EHCP request, that fact had not been shared through the NCC PME process which could then have alerted the HRET Team earlier that this pupil and school required support and guidance.

The Council will also apologise and pay £1789 as a remedy to recognise the distress and reimburse the cost of educational provision.

In response to the concerns identified by the Ombudsman in this case the Education Learning and Inclusion Service will:

- Undertake further reflection with all Team and Service Managers to ensure that the Children Missing Education Process is followed promptly by any team that is made aware that a child or young person is not accessing education appropriately.

- Remind all school leaders that they must take action once a pupil has not attended school for 15 days, either to actively address the absence as an attendance issue or to acknowledge that the pupil has physical or mental health needs that are impacting upon their ability to attend school. Guidance and support can be sought from the Health Related Education Team, and specialist advice and additional funding can be requested to ensure that the school can develop an appropriate personalised learning package when appropriate.
- Commission the Projects Team to review how the Local Authority can ensure that schools are more effectively supported to make appropriate arrangements for pupils with physical and mental health needs for those pupils who cannot access full time education at school; to ensure that schools and parents are aware of how to refer pupils to the Health Related Education Team who can provide guidance, and where necessary, tuition for a period of 12 weeks to enable schools to put in place appropriate arrangements if longer term personalized learning is required.
The Projects Team will also explore the existing systems and processes that are in place for children with SEND who are unable to access education due to their physical or mental health needs, particularly for those with an Education Health and Care Plan accessing Education Other Than in School (EOTIS), both in situations where the education is commissioned by the Local Authority and where the education is commissioned by parents and carers through direct payments.

The Local Authority works in close partnership with schools and other education settings in Nottinghamshire to ensure that an appropriate education is provided for pupils who may otherwise have reduced or no access to learning. The Local Authority takes a key role in ensuring that duties under Section 19 of the Education Act 1996, Section 61 of the children and Families Act 2014, and Section 100 of the Education and Inspections Act 2006 are met and these are set out in the Nottinghamshire Council Policy for the Delivery, or Commissioning, of Learning for Children and Young People through Education Other Than At School 2024-2028. The Local Authority will continue to review and revise practice.

8. Following some previous complaints where care homes and care providers were found at fault for their complaint handling by the Ombudsman, the Council has arranged a seminar with providers in order to assist them in providing a service which helps reduce complaints about also how to recognise, manage and resolve them when they do happen. As Members have seen, the Council is held accountable if a care home provider which we commission is found at fault and, whilst we cannot be present in every care provider, we can provide support and guidance and this is what we have done. We are grateful for colleagues from the Customer Contact Centre Training department and the Complaints team for leading the seminar and to Adults for ensuring so many attended from the care providers.

Other Options Considered

9. The other option considered was not bringing regular reports to the Committee detailing the decisions made by the Local Government and Social Care Ombudsman. This option was rejected as by not having oversight of this report the Committee would not receive assurances that the learnings from Ombudsman cases were leading to improvements in services.

Reasons for Recommendation/s

10. To enable members to scrutinise complaints dealt with by the Council that went to the Ombudsman and to inform them of the service improvements being made for the benefit of residents as well as colleagues.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

12. The decisions attached are anonymised and will be publicly available on the Ombudsman's website.

Financial Implications

13. The details of the financial payments are set out in Appendix A. £1789 will come from the Children and Families' Department budget.

Implications for Service Users

14. All of the complaints were made to the Ombudsman by service users, who have the right to approach the LGSCO once they have been through the Council's own complaint process.

RECOMMENDATION/S

- 1) That members note the findings of the Local Government and Social Care Ombudsman and welcome the lessons learned and actions taken in response to the findings

Marjorie Toward

Monitoring Officer and Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:

Richard Elston Team Manager – Complaints and Information Team

Constitutional Comments (HD (Standing))

15. Governance & Ethics Committee is the appropriate body to consider the content of this report. If the Committee resolves that any actions are required, it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments

16. The financial implications are set out in paragraph 13 of the report.

17. The details of the financial payments are set out in Appendix A.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- N/A

Electoral Division(s) and Member(s) Affected

- All

APPENDIX A

DECISIONS NOT TO INVESTIGATE FURTHER

DATE	LGO REF	PROCEDURE	COMPLAINT SUMMARY	REASON FOR DECISION
28.10.24	24 008 308	Corporate	Mrs X complains about the Council's handling of her daughter Y's special educational needs since 2019 and failed to provide suitable education for from February 2020 to January 2023 and the Council delayed in issuing Y an Education Health and Care (EHC) Plan between September 2021 and May 2022	The Ombudsman did not investigate because because the complaints are late. They also decided not to investigate Mrs X's concerns about the Council's more recent actions because the Council has offered a suitable remedy for Mrs X's injustice.
12.11.24	24 008 921	Corporate	Ms X complains the Council will not take enforcement action over vehicles that park on the pavement outside her home. Ms X says pavement parking is not permitted and the parking amounts to harassment and intimidation. Ms X also complains the Council refused her request to install bollards	The Ombudsman did not investigate because there is insufficient evidence of fault
13.11.24	24 009 668	Corporate	Mr X said there was multiple examples of misconduct by a social worker. He said she lied, and her actions led to him being homeless and unable to see his children due to a court order. He said a new team had since taken over and reached different decisions that suggested the previous social worker's actions were unjustified	The Ombudsman did not investigate this because the details are closely linked to matters concerning the contact and/or residence arrangements for Mr X's children, which were the subject of court action. The Ombudsman are legally prevented from investigating these matters.

FULL INVESTIGATIONS WHERE NO FAULT FOUND

DATE	LGO REF	PROCEDURE	COMPLAINT SUMMARY	DECISION	REASON
13.11.24	24 004 388	Corporate	Ms X complained the Council failed to properly assess her son (Y's) application for school transport assistance and unreasonably rejected the appeal of this	No fault found	The Council considered Y's application and appeal in line with the relevant law and policies without fault

FULL INVESTIGATIONS WHERE FAULT FOUND

DATE	LGO REF	PROCEDURE	COMPLAINT SUMMARY	DECISION	RECOMMENDATION	FINANCIAL REMEDY	STATUS OF AGREED ACTION
22.11.24	24 001 433	Corporate	The complainant (Mrs X) said the Council had failed to arrange alternative provision for her son (Y) when he could not attend his school	Fault found with the Council which meant Y lost some education. The Council's fault also caused injustice to Mrs X.	The Council agreed to apologise, make payments to recognise Y's and Mrs X's injustice and carry out some service improvements eg remind the front-line special educational needs (SEN) staff and their managers of the Council's duties for children who are not attending their school	£1789	Apology sent and awaiting details to make the payment. Other actions are being managed and will be done within 3 months

The Ombudsman's final decision

Summary: The complainant (Mrs X) said the Council had failed to arrange alternative provision for her son (Y) when he could not attend his school. We found fault with the Council which meant Y lost some education. The Council's fault also caused injustice to Mrs X. We did not investigate anything that happened from the second week of March 2024 as Mrs X appealed the Education Health and Care Plan issued for Y at this time and alternative provision was closely linked to the appeal issues. The Council agreed to apologise, make payments to recognise Y's and Mrs X's injustice and carry out some service improvements.

The complaint

1. Mrs X says the Council failed to arrange suitable education for Y when he was unable to attend his school. She says Y lost much education. She had to spend much time trying to support him and communicating with the Council. Mrs X funded privately some educational provision she identified as suitable for her son.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused significant injustice, or that could cause injustice to others in the future we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
3. The courts have established that if someone has appealed to the Tribunal, the law says we cannot investigate any matter which was part of, was connected to, or could have been part of, the appeal to the tribunal. (R (on application of Milburn) v Local Government and Social Care Ombudsman [2023] EWCA Civ 207)
4. This means that if a child or young person is not attending school, and we decide the reason for non-attendance is linked to, or is a consequence of, a parent or young person's disagreement about the special educational provision or the educational placement in the EHC Plan, we cannot investigate a lack of special educational provision, or alternative educational provision.

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5. The period we cannot investigate starts from the date the appealable decision is made and given to the parents or young person. If the parent or young person goes on to appeal then the period that we cannot investigate ends when the tribunal comes to its decision, or if the appeal is withdrawn or conceded.
 6. When considering complaints we make findings based on the balance of probabilities. This means that we look at the available relevant evidence and decide what was more likely to have happened.
 7. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)
 8. Under the information sharing agreement between the Local Government and Social Care Ombudsman and the Office for Standards in Education, Children's Services and Skills (Ofsted), we will share this decision with Ofsted.

What I have and have not investigated

9. I have not investigated anything that happened from the second week of March 2024, when Y's final Education Health and Care (EHC) Plan was issued. This is because in July 2024 Mrs X appealed Sections B, F and I of Y's EHC Plan. As explained in paragraphs three to five of this decision we cannot investigate lack of alternative provision from the date of issuing Y's final EHC Plan as the Council's duty to arrange alternative provision was dependant on its position on the content of Section I. The matter was, therefore, too closely linked to Mrs X's appeal to the Special Educational Needs and Disabilities (SEND) Tribunal for us to be able to investigate.

How I considered this complaint

10. I spoke with Mrs X and considered the information she provided.
11. I made enquiries with the Council and considered the information it provided.
12. I referred to our Focus Report "[Out of school, out of sight? Ensuring children out of school get a good education](#)" issued in July 2022 and updated in August 2023.
13. Mrs X and the Council had an opportunity to comment on my draft decision. I considered any comments received before making a final decision.

What I found

Legal and administrative framework

14. Councils must arrange suitable education at school or elsewhere for pupils who are out of school because of exclusion, illness or for other reasons, if they would not receive suitable education without such arrangements. [The provision generally should be full-time unless it is not in the child's interests.] (Education Act 1996, section 19). We refer to this as section 19 or alternative education provision.
15. Once a council has identified a child needs alternative education, it must arrange this as quickly as possible. This applies to all children of compulsory school age living in the local council area, whether or not they are on the roll of a school. (Statutory guidance 'Alternative Provision' January 2013)
16. The courts have considered the circumstances where the section 19 duty applies. Caselaw has established that a council will have a duty to provide alternative

education under section 19 if there is no suitable education available to the child which is “reasonably practicable” for the child to access. The “acid test” is whether educational provision the council has offered is “available and accessible to the child”. (R (on the application of DS) v Wolverhampton City Council 2017)

17. The law does not define full-time education but children with health needs should have provision which is equivalent to the education they would receive in school. If they receive one-to-one tuition, for example, the hours of face-to-face provision could be fewer as the provision is more concentrated. (Statutory guidance, ‘Ensuring a good education for children who cannot attend school because of health needs’)

What happened

18. Y attended primary mainstream academy (the School). In the second part of the summer term of 2023 Y’s difficulties at school increased and he stopped attending. The School offered a part-time timetable trying to gradually bring Y back to school.
19. In September 2023 the School continued with the part-time timetable, but after the first few days Y stopped engaging with the School’s offer. At the same time Mrs X applied for an EHC needs assessment for him.
20. Mrs X found alternative provision with the outdoor learning facilities for Y (Provider 1) and provision to support Y’s social, emotional and mental health needs (Provider 2) and placed Y on the waiting lists for both. She asked the School to fund this provision when it became available.
21. In mid-October 2023 the Council’s Health Related Education Team took part in the meeting with the School and Mrs X to discuss Y’s education. A few days later the School said they would fund Provider 1 for a month from the beginning of January 2024. Mrs X kept contacting the Council about alternative provision for Y.
22. Y attended Provider 1 for a few hourly sessions from mid-November 2023 and he engaged well. Mrs X received and accepted an offer of a place for Y at Provider 2 from December 2023.
23. In December 2023 Y’s sessions at Provider 1 increased to two hours. He also started accessing support from Provider 2.
24. Mrs X complained to the Council about the lack of alternative provision for Y in mid-December 2023. Mrs X chased the Council’s response six weeks later. The Council responded at the end of February 2024. Mrs X was not happy with the Council’s response and asked for the complaint to be considered at stage two.
25. The Council issued Y’s final EHC Plan at the beginning of March 2024. Mrs X appealed Sections B, F and I of Y’s EHC Plan four months later.
26. At the end of March 2024 the School told Mrs X they would fund Provider 1 and Provider 2 until the end of July 2024 as the Council provided some extra funds for this purpose.
27. In its stage two response to Mrs X’s complaint the Council said the School had applied for funding for alternative provision for Y but could not provide Mrs X with any details. The Council clarified some statements from its stage one complaint response. It failed to address Mrs X’s concerns about leaving Y without education for many months from September 2023.
28. From November 2023 until the end of the first week in March 2024 Y attended 13 sessions at Provider 1. The School funded five of them and Y’s parents the remaining eight. Mrs X paid £594 for the cost of provision and £245 for transport.

Analysis

29. In our Focus Report [“Out of school, out of sight? Ensuring children out of school get a good education”](#) we set up what we would expect from councils when a child of compulsory school age stop attending their school. We expect the council to:
- consider the individual circumstances of each case and be aware that the council may need to act whatever the reason for absence (except for the minor issues schools deal with on a day-to-day basis) – and even when a child is on a school roll;
 - consult all the professionals involved in a child’s education and welfare, and take account of the evidence when making decision;.
 - consider enforcing attendance where a child has a suitable school place available, and where there is no medical or other reason that prevents them attending;
 - keep all cases of part-time education under review with a view to increasing it if a child’s capacity to learn increases;
 - work with parents and schools to draw up plans to reintegrate children to mainstream education as soon as possible, reviewing and amending plans as necessary;
 - put the chosen action into practice without delay to ensure the child is back in education as soon as possible;
 - where councils arrange for schools or other bodies to carry out their functions on their behalf, the council remains responsible. Therefore, retain oversight and control to ensure your duties are properly fulfilled.
30. The Council found out about Y’s school non-attendance at the beginning of September 2023 at the latest as this is when Mrs X asked for an EHC needs assessment for Y. The Council knew the School had introduced part-time timetable for Y from the second part of the summer term of 2023 and Y was not engaging with it. Although the Council’s education team took part in the meeting held to discuss Y’s education in mid-October 2023, it failed to follow it up by taking decision on whether there should be any action to ensure Y received suitable education when out of school. This was despite Mrs X’s requests and reminders.
31. The Council’s failure to act by deciding whether it had a duty to make alternative arrangements for Y’s education when he could not attend the School is fault. Based on the circumstances, on the balance of probabilities, I consider that if not for the Council’s failure it would have decided to make alternative arrangements. This is for the following reasons:
- there is no evidence the Council’s queried Mrs X’s claim Y could not attend the School because of his special educational needs;
 - Y engaged with educational provision arranged by Mrs X so he was able to access some education;
 - in October 2023 the School agreed to fund Provider 1 for a month and from the end of March 2024 the Council agreed to fund Provider 1 and Provider 2 for Y. By doing so the Council accepted that although Y had a place at the School, he could not access it.

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32. The Council's failure to consider its duty to make arrangements for alternative provision for Y caused injustice to Y and Mrs X. It meant that Y missed education in October and the first part of November 2023 as this was before Mrs X got a place at Provider 1. Mrs X spent much time contacting the School and the Council and participated in meetings, trying to ensure delivery of education for Y. Mrs X also spent time contacting the providers from the list the Council gave her. The Council's failings also meant that Mrs X's finances were affected by her privately funding Provider 1 and securing transport.
33. As explained in paragraph 14 of this decision the child is entitled to full-time education, so education equivalent to that which the child would get at school, unless it is not in the child's best interest. Considering education Y received from Provider 1 and how gradually it was increasing it seems more probably than not that at the time Y could not engage with more education. I considered this when recommending remedies.
34. Until March 2024 Y did not have an EHC Plan, therefore the Council's duties did not extend to any special educational provision. Therefore in my recommendations I did not include reimbursing the cost of provision delivered by Provider 2 as this intervention was mainly to address Y's social, emotional and mental health difficulties.

Agreed action

35. To remedy the injustice caused by the faults identified, we recommend the Council complete within four weeks of the final decision the following:
- apologise to Mrs X and Y for the injustice caused to them by the faults identified. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The Council should consider this guidance in making the apology I have recommended;
 - pay Mrs X £450 to recognise the loss of Y's education in October and the beginning of November 2023 and £839 to refund the cost of educational provision arranged for Y by Mrs X between mid-November 2023 and March 2024, excluding the month when this provision was funded by the School;
 - pay Mrs X £500 to recognise the distress caused to her by the Council's failings. The Council will pay Mrs X £1,789 in total.
- The Council will provide the evidence that this has happened.
36. We also recommend the Council within three months of the final decision:
- review its processes in place for children on part-time timetable or not attending school to ensure there are mechanisms to make timely decisions on the Council's alternative provision duty following the test set up in paragraph 29 of this decision;
 - remind the front-line special educational needs (SEN) staff and their managers of the Council's duties for children who are not attending their school. The SEN staff will review our Focus Report ["Out of school, out of sight? Ensuring children out of school get a good education"](#).
- The Council will provide the evidence that this has happened.

Final decision

37. I uphold this complaint. For the reasons explained in the Analysis section I found fault with the Council for not considering whether it should have arranged alternative provision for Y from the end of September 2023 until the beginning of March 2024. I did not investigate anything that happened from the second week of March 2024 as Mrs X appealed Section I of Y's EHC Plan and the matters complained about were too closely linked to the appeal issues. The Council's fault caused injustice to Y and Mrs X. The Council has accepted my recommendations, so this investigation is at an end.

Investigator's final decision on behalf of the Ombudsman



**REPORT OF SERVICE DIRECTOR FOR FINANCE, INFRASTRUCTURE &
IMPROVEMENT**

COUNTER-FRAUD PROGRESS REPORT

Purpose of the Report

1. To update the Governance and Ethics Committee on the counter-fraud work undertaken to date in 2024/25.

Information

2. Counter-fraud work has continued to focus on key risk areas during 2024/25 and the Council has remained vigilant to the threat of fraud and emerging risks.
3. The report brings together work undertaken in relation to:
 - The National Fraud Initiative (NFI) – outcomes from the 2022-24 exercise and matches from the 2024-2026 exercise.
 - Counter-fraud activities – to provide an update on recent, pro-active work; and
 - Counter-fraud action plan - an update on progress made against the action plan

National Fraud Initiative

4. The Council participates every two years in the compulsory NFI exercise. Data matching reports were generated from the exercise, comparing Council data to data sources such as the Driver & Vehicle Licensing Agency (DVLA), mortality data, and the Department for Work & Pensions (DWP). The outcomes for the most recent exercise in 2022-2024 are shown below in **Table 1**.

Table 1 – Final Position for the Headline Categories of Potential Fraud/Error - 2022-2024

Category	2022-2024
Pension/Payroll matches	820 of 927 cases have been processed with no reported outcomes.
Trade Creditors	1,796 cases opened from 5,881 matches identified. 6 duplicate payments totalling £32,177 were detected.
Total	£32,177

Other significant estimated results	
Blue Badges cancelled or withdrawn (no's)	All 2,193 cases have been processed. 663 errors were noted with co-estimated savings of £430,950 ¹ .
Concessionary Travel Passes Cancelled (no's)	All 2,641 matches processed. £56,203 ² reported outcomes from 1,815 cases
Residents Parking Permits	12 cases opened and processed. No reported outcomes
¹ £650 per blue badge cancelled to reflect the estimated annual cost of blue badge fraud, the likelihood that badges are misused and the duration that fraudulent misuse will continue. ² Number of passes stolen multiplied by £30.97, based on the NFI estimate cost of reimbursement to bus operators for journeys made under the concessionary pass scheme and the duration of fraudulent pass misuse estimated.	

5. Work has commenced in relation to collating the data for the 2024-2026 NFI matching exercise. The first matches will be released by the Cabinet Office in December 2024. An update on progress in relation to the current NFI exercise will be provided in the annual fraud report and subsequent progress reports to future G&E Committees.

Counter-fraud E-learning and Other Activities

6. We included in our priorities for 2024/25 a review of our fraud training material to incorporate new and evolving fraud risks. The council recently procured Kallidus, a new learning management system and we are on track to re-launch our training material on this system in the new year.
7. Although a small number in total, recent trends indicate an increase in insider fraud cases within the Council. In such cases, staff members are often the first to detect behavioural changes with their colleagues or notice signs that something is not quite right. These observations can prompt them to report suspicions to management for further investigation. Ensuring that employees understand how to report concerns and are aware of the processes for doing so will help to ensure that such cases are brought to management's attention for further investigation.
8. Fraud awareness has been raised again through the International Fraud Awareness Week. This ran from 13 – 19 November 2024 and was publicised on the council's intranet during November. Included in the article were key fraud risks taken from recent intelligence and horizon scanning, links to key documents and information and actions staff can take to mitigate against fraud risk.
9. In October, to reinforce counter-fraud messages and to coincide with cyber security awareness month, the ICT department published an article on the intranet which outlined the risks of email phishing and social engineering.
10. As reported in our Annual Fraud Report in July, we had an action to develop a more effective and wider-reaching fraud risk assessment process. This work is currently underway and we are expecting to complete this work by the end of April 2025. A further update will be provided to Members of the G&E Committee as part of the annual fraud report.
11. As part of this fraud risk assessment, we will engage with staff to help identify potential insider risks. We will also encourage all employees to participate in fraud training and familiarise themselves with the Council's Counter-Fraud Policy and Strategy.

12. The Risk and Insurance Team remain vigilant to potentially fraudulent claims and continue to undertake pro-active detection work, including using the fraud checklist to assist in the identification of fraudulent claims. No fraudulent claims were identified during financial year 2023-24, although the team have been active in the successful defence of claims made against the council. In the first half of 2024-25, the Team has successfully defended 1,368 claims for compensation, four of which were successfully defended at trial. This equates to a savings value of £1.64m between April and September 2024. A further update on the current financial year will be provided in the next Annual Fraud Report.
13. Internal Audit continues to be involved in fraud investigation activities and are currently monitoring six live cases. The developments and outcomes continue to be reported to the Chairman of this committee through regular updates with the Chief Internal Auditor and are summarised to all members in the Annual Fraud Report.
14. During the year there were two insider fraud cases which were investigated internally and by the Police. These cases have now been taken to court. One of these cases was in a school and one within Adults Department at NCC. Both employees were found guilty and have been given custodial sentences. The Council is now pursuing recovery against these individuals. Due to the nature of these frauds, a review of procedures was undertaken and the need for more robust controls was identified. Agreed actions have been followed up through our action tracking process.
15. Investigations are ongoing in relation to the other four cases and three staff have been dismissed or suspended, pending the investigations. Further updates in these cases will be provided as part of the Annual Fraud Report and Chairman's updates.
16. The National Fraud Intelligence Bureau (NFIB) monitor and analyse action fraud data on a monthly basis. In July 2024 they reported that fraud had continued to rise compared to previous years. Cyber-crime has grown significantly (57.2%) in the last year and the hacking of social media and email accounts was the most prolific type of cyber-crime, accounting for around 67% of all cyber-crime. Hacking, business email compromise (BEC) and ransomware also remain in the top three types of cyber-crime and hacking of personal/work devices has almost doubled between June and July.
17. Internal Audit have been proactive to raise awareness of cyber-crime as part of International Fraud Awareness Week and this also features as part of our fraud risk assessment.
18. In the year, we have continued to work with Schools Finance to raise awareness of the types of fraud that are currently trending and share best practice to prevent further loses. Processes are now in place to share advice and alerts with schools on a regular basis through emails and the School Newsletter produced by Schools Finance and Internal Audit have contributed towards this.

Fighting Fraud and Corruption Locally (FFCL) Strategy and Checklist

19. FFCL 2020 is the latest national strategy developed jointly by central government and Cifas (a not-for-profit fraud prevention membership organisation). This provides the blueprint for a co-ordinated response to fraud for local authorities.

20. The national strategy contained a recommendation for organisations to consider their options in relation to providing counter-fraud coverage and provided a self-assessment checklist for completion. Internal Audit previously completed the self-assessment for the Council, and the outcome was presented to Members. All actions have now been completed, although some actions are ongoing. These actions include:

- Providing regular reports on fraud risks to the Chair of Governance and Ethics Committee
- Monitoring compliance with standards of conduct across the local authority
- Reviewing the Registers of Interest for Members and staff.
- Using data analytical techniques to identify fraudulent activity
- Updating the fraud risk assessment annually using latest intelligence

When a new strategy is released, this will be a timely point to complete a new checklist.

21. We have updated the Counter Fraud Risk Assessment to capture FFCL emerging issues, along with frauds that we have gathered from our intelligence sources through our connections with national fraud networks (see further details below) and other fraud risks identified as part of our internal fraud risk assessment. The risk assessment identifies high priority areas for the consideration of pro-active counter-fraud work. High risks continue to include insider fraud, procurement fraud, mandate fraud, adult social care abuse of payments, pension fund fraud and cyber-crime.

Counter Fraud Networks and National Picture

22. Cifas is an organisation that helps protect individuals and businesses from fraud and financial crime. Cifas maintains the UK's largest database of fraudulent conduct and works with members to prevent fraud across various sectors. Fraudscape is Cifas' annual report that combines data from its National Fraud database and Insider Threat database. The 6-month update to Fraudscape for 2024, continues to report that employee fraud remains a threat to organisations. This includes people stealing from their employer, falsely applying for jobs, providing fake employment details and concealing adverse employment history to gain employment. We have confirmed that the Business Services Centre (BSC) continue to have robust measures in place ensuring that appropriate pre-employment checks are undertaken when a new starter is employed.

23. This includes completion of right to work checks which are a statutory obligation and an essential part of the Authority's onboarding process. No new starters are setup on payroll unless a right to work in the UK check has been successfully completed. The online system for Digital Identity Verification Process (DIVP) enables candidates who hold a current UK or Irish passport to use a new online process to submit and confirm their right to work in the UK and also includes identity verification for recruitment-based DBS checks. Work has been completed to integrate DIVP functionality into the pre-employment solution. The next phase will be to rollout DIVP to all internal NCC business units undertaking DBS checks and this expected to complete in March 2025.

24. In addition to the audit work already outlined above, counter-fraud pieces of work continue to be incorporated into our termly planning, and key findings will be shared with Members.

25. It remains a key area of focus for the Internal Audit team to support the Council through the provision of timely advice and consultancy on appropriate counter-fraud measures and internal control.
26. We continue to disseminate any alerts received from other bodies such as Cifas, National Anti-Fraud Network (NAFN), NFIB and the Midland Counties Counter-Fraud Group (MCCFG). The MCCFG Knowledge Hub continues to be used as a forum to raise questions and share knowledge of potentially fraudulent activity or issues that have arisen at other local authorities to inform our risk assessment.
27. The Council's Counter-Fraud & Counter-Corruption Strategy and Fraud Response Plan are reviewed annually and the latest versions are available on the intranet. A further update will be conducted following our action to review the fraud risk assessment process in 2024-2025.

Counter Fraud Action Plan Progress

28. We have reviewed the implementation of actions for 2024/25 within the Counter-Fraud Action Plan which was reported to the Governance and Ethics Committee in July 2024. The table below is an update on progress for each of the outstanding actions. All previously completed actions have been removed from the current action plan.

Action	Timescale
Conduct a review of the misuse of Direct Payments in Adult Social Care	March 2025 – Termly planning term 3
Continue to carry out actions in relation to the FFCL self-assessment, pending the release of a new strategy.	Ongoing
Review counter-fraud e-learning and consider whether training should be mandatory for finance staff, budget holders and those involved in purchasing, payments and other financial activity.	Ongoing - to be completed by March 2025
Develop a more effective fraud risk assessment processes to help identify key fraud risk areas to guide the Audit Plan. Internal Audit will engage with departments to widen understanding of fraud risks, involving a wider range of stakeholders. It is anticipated that further engagement will identify potential areas of weakness for fraud. Any fraud risks will be considered as part of our termly plan and reported to the G&E Committee.	Ongoing - to be completed by March 2025

Other Options Considered

29. The Audit Section is working to the Public Sector Internal Audit Standards and the contents of the Counter Fraud Action Plan. This report follows the requirements of the Standards to undertake a risk-based approach to counter fraud work and report progress and outcomes of such work. No other option was considered.

Reason for Recommendation

30. To report the progress made by the Chief Internal Auditor – in undertaking counter fraud work.

Statutory and Policy Implications

31. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and disorder

32. The Council's Counter-Fraud Policy provides for a zero-tolerance approach to fraud and corruption. The Fraud Response Plan provides for all suspected cases being considered for referral to the Police for investigation.

Human Resources implications

33. Under the zero-tolerance approach in the Council's Counter-Fraud Policy, all suspected cases involving members of the Council's staff are investigated and consideration given to disciplinary proceedings.

Financial Implications

34. Any money lost to fraud is money that cannot be spent delivering critical public services to the citizens of Nottinghamshire. The Annual Fraud Report for 2023/24 was presented to the Governance & Ethics Committee in July 2024 and identified that the value of detected or prevented fraud in that year amounted to approximately £411,016.

RECOMMENDATION

1) Members note the contents of the report.

Nigel Stevenson

Service Director for Finance, Infrastructure & Improvement

For any enquiries about this report please contact:

Simon Lacey
Chief Internal Auditor

Constitutional Comments (EKH 05/12/2024)

35. Governance and Ethics Committee is the appropriate body to consider the content of the report.

Financial Comments (SES 03/12/2024)

36. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

All



15 January 2025

Agenda Item:6

REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND EMPLOYEES

APPOINTMENT OF INDEPENDENT REMUNERATION PANEL MEMBERS

Purpose of the Report

1. To agree arrangements for the appointment of Members to the Independent Remuneration Panel (IRP) to review the Members Allowances Scheme in accordance with statutory requirements.

Information and Advice

2. It is a legal requirement for the County Council to have regard to a report from an IRP before making or revising its Members Allowances Scheme. The Council's current Scheme was agreed by the County Council on 24 November 2022, updating the Scheme agreed on 12 May 2022 in response to a change in political balance.
3. The existing IRP was appointed by Governance and Ethics Committee on 6 January 2021 for the period 2021-25.
4. Whilst the benefits of appointing new Panel Members at a relevant frequency are recognised, such benefits need to be balanced against the current Panel's knowledge of the Council's decision-making systems (with the Members having considered both the Council's committee system and executive arrangements in the past).
5. After initial conversations, all four of the Members involved in the last IRP have confirmed that they would be interested in being reappointed and are available in the relevant periods, should this be the Committee's favoured approach:-

a) Sir Rodney Brooke CBE, DL

Sir Rodney has a wide experience of local government as a former Chief Executive and has chaired a number of IRPs for various Councils including previous panels for this Council. He has also chaired a number of other public sector bodies.

b) Madi Sharma

Madi has previously served on IRPs for Nottinghamshire, Ashfield and Mansfield. She is an international entrepreneur and ambassador for Nottingham.

c) Stephen Bray

Stephen is a former Corporate Director of Gedling Borough Council. He has first-hand experience of the work of an IRP and a detailed understanding of its role and function, from both an officer and Member perspective.

d) Charles Daybell

Charles is a former Chief Executive at Braintree District Council. He previously Chaired Nottinghamshire County Council's Standards Committee.

6. The new IRP will need to be convened to carry out a review of the Members Allowances Scheme by mid-June 2025, to enable the recommended scheme to be considered at the Full Council meeting of 10 July 2025.

Financial Implications

7. It is proposed to retain the previous fee structure and therefore the total costs will be approximately £8,500 as in 2022. These costs can be met from the relevant Democratic Services budget.

Other Options Considered

8. The Nottinghamshire IRP has previously met on a 'task and finish' basis. Some other authorities appoint their IRPs on a standing basis and call on them more regularly. It is proposed to continue with the 'task and finish' approach to keep costs to a minimum.
9. The Committee could decide to undertake a wider recruitment process as the initial starting point (and contact the previous IRP Members to ask them to reapply as part of that process). Whilst recognising the potential benefits of this approach, this would be more resource-intensive and would also prevent the existing Nottinghamshire County Council specific knowledge base of these Members from being fully utilised.

Reason/s for Recommendation/s

10. It is a legal requirement for the Council to appoint an IRP and to review the Members' Allowances Scheme.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

That Sir Rodney Brooke CBE DL, Madi Sharma, Stephen Bray and Charles Daybell be reappointed as the Independent Remuneration Panel for Nottinghamshire County Council for the period 2025-29.

Marjorie Toward

Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:

Keith Ford, Team Manager, Democratic Services

Email keith.ford@nottscc.gov.uk, Tel 0115 9772590

Constitutional Comments (HD – 18/12/24)

12. The proposals set out in this report fall within the remit of Governance and Ethics Committee.

Financial Comments (SES 10/12/2024)

13. The financial implications are set out in paragraph 7 of the report.

14. It is proposed to retain the previous fee structure and therefore the total costs will be approximately £8,500 as in 2022. These costs can be met from the relevant Democratic Services budget.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Local Authorities (Members' Allowances) (England) Regulations 2003
- Report to County Council dated 12 January 2017 and minutes of that meeting (published)

Electoral Division(s) and Member(s) Affected

- All

15 January 2025

Agenda Item:7

REPORT OF THE MONITORING OFFICER

ENGLISH DEVOLUTION WHITE PAPER: PROPOSED CHANGES TO STANDARDS AND AUDIT REGIME

Purpose of the Report

1. To provide the Committee with an update on the contents of the government's English Devolution White Paper in relation to the relevant areas within the Committee's terms of reference such as the standards and audit regime.

Information

Background

2. The English Devolution White Paper was published on 16 December 2024. The principal focus of the paper is described as initiating the 'biggest transfer of power out of Westminster to England's regions this century'. A link to the white paper is provided at the end of this report.
3. Members are likely to be aware of the proposals within the paper to end the current system of two-tier local government between district/borough councils and county councils. This report does not address the implications of those proposals, which will be reported to and considered by members when further details are available.
4. Part of the white paper proposes substantial changes to local government's standards and audit regime. This report is intended to summarise the principal changes for members' awareness. The proposed changes have yet to be agreed and implemented and it is unclear when the government intends to take any relevant decisions, whether through the passing of new legislation or otherwise, other than the general intention to move as swiftly as possible on developing new unitary authorities.
5. Much of the detail surrounding any proposed changes is likely to emerge through future legislation if the changes are brought forward. As such, while it is possible to discern the government's intended direction of travel it is not yet possible to confirm with any certainty how any changes would affect the Council or its members.
6. Further to the publication of the white paper, on 18 December 2024 the Ministry of Housing, Communities and Local Government launched an open consultation on 'Strengthening the

standards and conduct framework for local authorities in England'. A link to the consultation is provided at the end of this report.

Member Standards

7. The arrangements for overseeing members' standards of behaviour were fundamentally changed by the Localism Act 2011. The Localism Act 2011 placed a greater onus on local arrangements for reviewing member behaviour and limiting the sanctions which could be made against councillors who had breached a council's member code of conduct. Councils were required to agree their own codes of conduct in place of the previous national model.
8. In January 2019 the Committee on Standards in Public Life (CoSPL) made recommendations regarding Local Authority standards following a period of review and consultation which it had previously carried out. One of the CoSPL recommendations was that a national model code of conduct should be developed to assist with improving consistency across councils of their Codes of Conduct, against which member standards are assessed.
9. Following publication of the above recommendations, the LGA undertook a process of developing a Model Code and associated guidance for voluntary adoption by councils in whole or in part. The LGA Model Code was considered by two Members Working Groups (MWGs) both before and after the Council changed its governance model from Committee to Executive arrangements. Both MWGs agreed that the Council should in the main follow the drafting in the Model Code but proposed some further local changes. This position was unanimously supported by Governance and Ethics Committee and was later approved in May 2023 by Full Council.
10. Citing concerns regarding a lack of powers for councils to maintain high standards, the government is therefore consulting on the following proposals:
 - A mandatory code of conduct which would include provisions on discrimination, bullying, and the use of social media, alongside other unspecified matters.
 - A requirement for principal local authorities to convene formal standards committees.
 - A role for a national body to deal with the most serious cases and appeals, subject to discussions with the sector.
 - Powers for local authorities to suspend members, including imposing premises and facilities bans. The government believes that councils need the ability to address serious misconduct with powers to suspend councillors for a maximum of six months, with the option to withhold allowances where deemed appropriate.
 - Disqualification for members subject to suspension more than once.
 - Subject to discussions with the sector the possibility of immediate disqualification in certain instances of serious misconduct.
 - Interim suspension of members under investigation for use in serious cases that may involve protracted investigations or the police.
 - The publication of all code breach investigation outcomes.
11. The proposals mark a significant departure from the current arrangements and appear to be closer to the nature of the standards regime which existed prior to the implementation of the Localism Act 2011. No reference has been made within the white paper to the current

system for the recording and declaration of disclosable pecuniary interests or the criminal offences relating to their disclosure.

Local Government Audit

12. The white paper contains a commitment to ‘fundamentally reform the local audit system, rebuilding the vital early warning system to recover a key part of our assurance mechanisms, restore local government standards, and ensure transparency’. It does not propose the revival of the Audit Commission, which had formerly appointed auditors to certain public bodies. It further proposes the closure of the Office for Local Government which was established in 2023 to provide data and analysis on local government performance.
13. The government intends to respond to the Redmond and Kingman reviews in relation to simpler leadership and regulation of local audit functions. The white paper proposes to bring as many audit functions as possible into one body and that the government will engage on the best way to achieve this.

Public Consultation

14. The government consultation on ‘Strengthening the standards and conduct framework for local authorities in England’ is scheduled to end on 26 February 2025 and is open to responses from councillors, officers, local authorities, and the public. It is not proposed at this stage that a corporate response is provided to the consultation, but members are able to submit individual replies to the consultation should they wish to do so.
15. The consultation comprises 40 questions addressing the areas outlined above regarding member standards which the government intends to alter. The consultation adds some detail to the outline proposals within the white paper around the rationale for the changes and the manner in which new mechanisms around suspension and disqualification could operate.
16. The consultation also proposes a new requirement that any investigations commenced into a breach of a code of conduct by a member should continue even if that member should stand down.

Other Options Considered

17. The report is provided for members’ information and no substantive decisions are required from the Committee at this time.

Reason/s for Recommendation/s

18. To ensure the Committee is informed regarding potential forthcoming changes relevant to its remit.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human

rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

20. There are no direct financial implications to the proposals within this report.

Human Resources Implications

21. There are no HR implications to this report.

RECOMMENDATION/S

1) That the contents of the English Devolution White Paper regarding changes to local authority standards and audit regimes and the launch of a government consultation on standards and conduct be noted.

Marjorie Toward
MONITORING OFFICER

For any enquiries about this report please contact: Charlie Mason, Senior Solicitor, Legal Services (0115 804 4486 / charles.mason@nottsc.gov.uk)

Constitutional Comments (HD – 31/12/2024)

22. Consideration of these matters falls within the terms of reference of Governance and Ethics Committee

Financial Comments (PA – 24/12/2024)

23. Whilst there are no specific financial implications arising directly from this report, any extra responsibilities for the Council resulting from the English Devolution White Paper will, in the absence of additional government funding, need to be met from existing resources

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

English Devolution White Paper: [English Devolution White Paper - GOV.UK](#)

Strengthening the standards and conduct framework for local authorities in England consultation: [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

Electoral Division(s) and Member(s) Affected

All

15 January 2025

Agenda Item:8

REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND EMPLOYEES

WORK PROGRAMME

Purpose of the Report

1. To review the Committee's work programme.

Information

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the Committee's agenda, the scheduling of the Committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and Committee meeting. Any member of the Committee is able to suggest items for possible inclusion.
3. The attached work programme includes items which can be anticipated at the present time.

Other Options Considered

4. The option to not present a work programme to the Committee was rejected as it would not allow forward planning or management of agenda items.

Reason/s for Recommendation/s

5. To assist the Committee in preparing and managing its work programme.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That Committee considers whether any changes are required to the work programme.

Marjorie Toward

Service Director, Customers, Governance and Employees

For any enquiries about this report please contact:

Noel McMenamin - Democratic Services

Tel. 0115 993 2670

E-mail: noel.mcmenamin@nottsc.gov.uk

Constitutional Comments (EH)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

8. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

GOVERNANCE & ETHICS COMMITTEE – WORK PROGRAMME (as at 6 January 2025)

Report Title	Brief Summary of agenda item	Lead Officer	Report Author
15 January 2025			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
Counter Fraud Progress Report		Nigel Stevenson	Simon Lacey
Appointment of IRP Members	To ensure IRP membership is refreshed	Marje Toward	Keith Ford
English Devolution White Paper – Proposed Changes to Standards and Audit Regime	To inform the Committee of the proposed changes to Standards and Audit arising from the English Devolution White Paper	Marje Toward	Charlie Mason
5 March 2025			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
Internal Audit Charter Refresh		Nigel Stevenson	Simon Lacey
Internal Audit Term 2 Progress 2024-25 and Term 1 Plan 2025-26		Nigel Stevenson	Simon Lacey
Gedling Community Governance Review – Stage 2	To approve the County Council response to the final proposals for the Gedling Community Governance Review	Marje Toward	Dom Monahan
Member Training Working Group – Findings and Next Steps	To consider proposals for Member Training for 2025-29 Member intake	Marje Toward	Keith Ford
23 April 2025 (Meeting cancelled)			
25 June 2025			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
Governance and Ethics Committee Annual Report		Nigel Stevenson	Simon Lacey
Annual Governance Statement		Nigel Stevenson	Simon Lacey
Assurance Mapping Annual Report		Nigel Stevenson	Simon Lacey

Head of Internal Audit Annual Report 2024-25		Nigel Stevenson	Simon Lacey
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