

Governance and Ethics Committee

Thursday, 10 March 2022 at 14:00

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

1	Minutes of last meeting held on 27 January 2022	3 - 4
2	Apologies for Absence	
3	Declarations of Interests by Members and Officers:- (see note below) (a) Disclosable Pecuniary Interests (b) Private Interests (pecuniary and non-pecuniary)	
4	Update on Local Government and Social Care Ombudsman Decisions (December 2021 to January 2022)	5 - 10
5	Corporate Governance Update	11 - 20
6	Internal Audit Term 2 (2021-22) Report and Term 1 (2022-23) Plan	21 - 32
7	Corporate Risk Management 6-monthly update	33 - 44
8	Whistleblowing Update	45 - 48
9	The Councillor's Divisional Fund - Revised Policy and Procedures	49 - 68
10	Work Programme	69 - 72

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 Jo Toomey (Tel. 0115 977 4506) 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 Thursday 27 January 2022 (commencing at 2.00 pm)

membership

Persons absent are marked with 'A'

COUNCILLORS

Philip Owen (Chairman)
Nigel Moxon (Vice-Chairman)

Richard Butler	Helen-Ann Smith – Absent
Neil Clarke MBE	Roger Upton
John Cottee	Daniel Williamson – Apologies
Errol Henry JP – Apologies	Elizabeth Williamson
Michael Payne – Apologies	

SUBSTITUTE MEMBERS

Councillor Jim Creamer for Councillor Errol Henry
Councillor Mike Pringle for Councillor Michael Payne

OFFICERS IN ATTENDANCE

Rob Disney	Chief Executive's Department
Richard Elston	
Keith Ford	
Emma Hunter	
Simon Lacey	
Nigel Stevenson	
Jo Toomey (remote)	
Marjorie Toward	

1. MINUTES

The Minutes of the last meeting held on 16 December 2021, having been previously circulated, were confirmed and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

- Councillor Errol Henry (medical)
- Councillor Michael Payne (other Council business)
- Councillor Daniel Williamson

3. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

None

4. UPDATE ON LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) DECISIONS NOVEMBER TO DECEMBER 2021

RESOLVED: 2022/001

That no actions are required in respect of the contents of this report

5. COUNTER FRAUD PROGRESS REPORT

Members were given the opportunity to ask questions on the report, which updated the Committee on the counter fraud work undertaken to date in 2021/22. Members asked about the National Fraud Initiative's data-matching around blue badges and the way those that required cancellation and those where there was potential fraudulent activity would be reported. It was suggested that it would be helpful if a presentation could be made to the Committee on the way the matching exercised worked and the recording of outcomes.

RESOLVED: 2022/002

1. That a presentation be delivered to the Committee on the National Fraud Initiative data matching and specifically blue badges when it receives the Annual Fraud Report
2. That the Committee will receive further reports on the actions already being taken within the Council to tackle fraud.

6. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 ANNUAL REPORT

RESOLVED: 2022/003

That no actions are required in respect of the contents of this report.

7. WORK PROGRAMME

Following a request that was made at the last meeting of the Committee around complaints against Adult Social Care and the proportion of those where communication appeared a contributory factor, the Chair had been contacted by the Corporate Director. The suggestion was made that the Corporate Director should be invited to a future meeting of the Committee once service pressures had eased, to discuss measures being put in place to identify and address the causes of complaints.

RESOLVED: 2022/004

That the work programme be updated to include an item in the 'to be scheduled' section on Adult Social Care complaints.

The meeting closed at 2.10 pm.

10 March 2022

Agenda Item: 4

REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS DECEMBER 2021 TO JANUARY 2022

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

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 on 27th January 2022.
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 seven 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. Following initial enquiries into six cases, the LGSCO decided not to continue with any further investigation for the reasons given in Appendix A
7. Full investigations were undertaken into one complaint. Appendix A provides a summary of the outcome 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.

8. The one case where fault was found was regarding adult social care and not initially responding to all the complainant's concerns around safeguarding and financial assessment. It was accepted this was not rectified at stage one however the stage two response recognised this, responded to all the other issues and apologised for the oversight. There was no ongoing injustice and the council has already apologised. Whilst there is recognition that not all issues were responded to in the first instance, the view of officers from reading the LGO decision letter, that in the context of the whole complaint the fault found here was relatively minor because the main issues raised were responded to and it is clear there was no injustice found by the Ombudsman.
9. After the first complaint, there were some additional concerns raised but they were not included in the initial response or responded to immediately because there was a new safeguarding investigation underway. The complaints process is put on hold if the issues raised within a complaint are closely linked with the issues being considered via the safeguarding procedure. Once that has been concluded the Council can consider any unresolved issues which is what seems to have happened here when the complaint was responded to at Group Manager level.

Statutory and Policy Implications

10. 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

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

Financial Implications

12. No financial remedies were paid

Implications for Service Users

13. 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

That members consider whether there are any actions they require in relation to the issues contained within the report.

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))

14. 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 (RWK 10/02/2022)

15. 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

APPENDIX A

DECISIONS NOT TO INVESTIGATE FURTHER

DATE	LGO REF	PROCEDURE	COMPLAINT SUMMARY	REASON FOR DECISION
6.1.22	21 012 318	Children's	Complaint about removing Miss from register of foster carers	No evidence of fault in the way council reached its decision as it followed procedure and justified its decision
10.1.22	21 012 695	Children's	Complaint about how the council dealt with the family after receiving a safeguarding referral	The events happened too long ago and no reason this should not have been brought to the Ombudsman's attention sooner
24.1.22	21 014 419	Children's	Complaint that the council removed the children from complainant's care	Court action about where a child should live cannot be challenged or considered through complaints process
26.1.22	21 015 045	Corporate	Complaint about how council dealt with his insurance claim for damage to his vehicle due to road maintenance	It's reasonable for complainant to deal with the matter through the court as insurers rejected the claims that council was at fault.
01.2.22	21 013 711	Children's	Complaint regarding the council failing their children leading them to move to another council's area	The Ombudsman will not investigate anything that takes more than 12 months to complain to them after going through the council's complaint process
01.2.22	21 013 765	Corporate	Complaint about removal of grass verge causing injustice	The Ombudsman believes there is insufficient evidence of injustice.

FULL INVESTIGATIONS WHERE NO FAULT FOUND

There were no investigations in this instance

FULL INVESTIGATIONS WHERE FAULT FOUND

DATE	LGO REF ANNEX NO	PROCEDURE	COMPLAINT SUMMARY	DECISION	RECOMMENDATION	FINANCIAL REMEDY	STATUS OF AGREED ACTION
23.12.21	20 012 341	Adult social care	Complaint about the care to her Grandmother and not investigating safeguarding concerns and not arranging meetings to discuss and not calculating financial side to her care properly	Council didn't initially respond to all parts of the complainant's complaint which is fault by the council but acknowledged it was dealt with subsequently.	Council had already apologised and dealt with rest of complaint at stage 2 and as there was no ongoing injustice to Miss A or Miss B no other action required as all other parts of complaint weren't upheld		No further action required as apology sufficient

10 March 2022

Agenda Item: 5

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

GOVERNANCE UPDATE

Purpose of the Report

1. To inform Committee of the progress being made with the Governance Action Plan for 2021/22, and to request Members' feedback regarding the most significant governance issues currently facing the Council and whether revised actions are needed to address emerging risks.

Information

2. The Accounts and Audit (England) Regulations 2015 require the Authority to publish an Annual Governance Statement (AGS) along with its Statement of Accounts. The focus of the AGS is to assess the extent to which the Council's Local Code of Corporate Governance has been complied with over the course of a financial year, along with an assessment of the most significant governance issues the Council is dealing with. This gives rise to an annual Governance Action Plan.
3. The Council continues to review progress against the action plan on a regular basis throughout the year. This ensures the AGS is used as a live document, contributing towards maintaining an appropriate, strategic focus on the Council's ongoing governance arrangements.
4. The latest quarterly update identifies the most significant governance issues for the Council. The impact of Covid19 pervades all aspects of the Council's activities, including how it is currently applying its Local Code of Corporate Governance. Rather than include the pandemic as its own entry on the list of significant governance issues, it is referenced throughout this update wherever its influence is especially pertinent. The following sets out the updated list of significant issues.

Issue	Comment
Cabinet/Scrutiny model of corporate governance	Following Full Council approval in September 2021, proposals for the implementation of an executive system (Leader and Cabinet model) of governance are being progressed by an officer project team, working alongside a member working group. Proposed arrangements for legal compliance will be considered by Full Council in March 2022, with a view to the new system coming into effect in May 2022.
Climate change	At its Annual General Meeting on 27/5/2021, the Council declared a Climate Emergency and tasked its new Transport and Environment Committee to drive measures to achieve the Council's commitment to achieving carbon neutrality by 2030. The Committee has considered two reports to date, setting out progress against the Council's Corporate Environment Strategy and its alignment with the emergency declaration. Additional staffing resources are now being established to progress the strategy and to continue with regular progress reporting to Members, with recruitment to a new Carbon Reduction team due to complete by early summer. In addition, consideration is being given to further investment in the Council's Green Investment Fund across the course of the Medium Term Financial Strategy.
The transformation agenda	<p>The Council's revised approach to transformation and change is progressing four cross-cutting transformation programmes, with two underpinning strands of work. A new staffing structure for corporate transformation and change is now in place, including the establishment of the Strategic Insight Unit, along with revised business processes, governance arrangements and co-ordination with departmental service improvement activity. In addition, successful external recruitment to both the Group Manager, Transformation and Change, and the Service Director, Transformation and Change, posts has taken place.</p> <p>The importance of this work has been compounded by the impact of the pandemic on the County's residents and businesses, alongside the impact on the Council's finances. The scope and focus for transformation and change is being reshaped around the Council's resilience, recovery and renewal objectives.</p>
Financial resilience and sustainability	<p>The COVID-19 pandemic has placed significant, unforeseen and additional financial burdens on the Council. The importance of effective management of the most volatile elements of the annual budget is heightened and remains a key area of focus. The regular review of the financial impacts and the regular Government returns are now established as business as usual, and the Medium Term Financial Strategy (MTFS) continues to be updated and reported regularly. Maintaining the flow of transparent, financial data for Councillors remains a key priority.</p> <p>The Council still has a funding gap of £29m over the four-year MTFS and, as savings become increasingly difficult to generate, the four cross-departmental Transformation Programmes are essential to delivering reduced, existing cost pressures and cost avoidance going forward.</p>
Pace of implementing agreed audit recommendations	Six-monthly updates to the Governance & Ethics Committee continue to chart a decline in the pace of implementation for agreed actions following internal audit reviews. Whilst the impact of the Council's required prioritisation of the pandemic response is acknowledged as a key factor, the Committee is now focused on driving through agreed improvements to the Council's control framework as expeditiously as possible.

- The thoughts and insight of Corporate Leadership Team colleagues are sought on a regular basis to assess whether the above list continues to represent the most significant governance issues on which the Council needs to focus. To assist with this, CLT colleagues are asked to consider the following:

- Colleagues' awareness of significant governance issues being dealt with by senior managers in their departments – to identify whether some issues should be added to, or removed from, the list. Alternatively, colleagues may be aware of a more specific or emerging development within one of the areas listed, which should require a refocus of the Council's response.
 - Reference to the Council's [Local Code of Corporate Governance](#), as an aid to considering whether colleagues are aware of any emerging issues within the areas the Code covers.
6. For this latest update, changes to the list of significant governance issues are proposed, as indicated below:
- a) EU exit – discussion with officers confirmed the view that the former entry on the list concerning post-EU transition implications for the Council should be removed. There are supply chain and employment pressures being felt currently, but it is mostly impossible to say whether their root cause is Brexit, the pandemic, or something else. These ongoing pressures are being recognised as corporate, operational risks and are being treated as such under the Council's risk management arrangements.
 - b) In the same vein, a number of former entries on the list have been re-assessed as issues for risk management rather than for recognition as significant governance issues. These are considered to be the following, all of which are current risk issues but for which there is no clear requirement to improve or change the governance structure to deal with them:
 - Current operational risks being captured on risk registers
 - Vulnerability to fraud
 - UK General Data Protection Regulation (GDPR) / Data Protection Act 2018
 - Move to the Cloud and ICT resilience
 - Ofsted inspection of Children's Services
 - Corporate, strategic risks, to be captured on the Council's strategic risk register
 - Fair Funding & Business Rates Retention
7. In place of the above, however, it is proposed that there is a case for new entries on the list for the following:
- Devolution – to focus on the governance implications that will need to be worked through in progressing the Nottingham and Nottinghamshire Joint Working and Devolution Programme
 - People Strategy and the 'Nottinghamshire Way' – to reflect the significant strand of work now needed to implement the new Strategy, alongside the initiatives to develop and embed a shared Council culture
 - Health and Social Care reforms – to recognise the governance impact the reforms will have for the Council and its health partners
 - Risk management – to keep under review progress with implementing the governance improvements in corporate risk management following the recent, external healthcheck.

If approved, these would be incorporated into the AGS for 2021/22, which is due to be presented to the Committee at its meeting in April 2022.

8. An important part of the AGS is its Action Plan, and this should also be refreshed following each update. The Action Plan for 2021/22 is set out in **Appendix 1**, showing the progress that has been identified through consultation with relevant managers.
9. This update has picked up scope to sharpen the entries in the action plan, to ensure all are targeted at making improvements to the governance framework. A number of entries included in the previous update in November 2021, and listed below, were commenting on the significant issues themselves and referencing ongoing monitoring and reporting into other Committees and internal boards; they were not describing an improvement to governance that needs to be made. It is proposed, therefore, that these entries are removed:

Previous action plan ref.	Action description and rationale for removal
8	<i>Ofsted inspection of children’s services</i> – referenced ongoing and regular progress reporting to the Children’s & Young People’s Committee
9	<i>Social care fraud risk (actions from an internal audit review)</i> – the Governance & Ethics Committee continues to monitor implementation of these, and all other agreed actions from internal audit reports, as part of six-monthly update reporting
10	<i>Information Governance risks</i> - referenced the ongoing and regular risk management process applied by the Information Governance & Cyber Security Board
11	<i>ICT resilience</i> - referenced ongoing and regular performance reporting to the Finance Committee
16	<i>Vacant property management (actions from an internal audit review)</i> - the Governance & Ethics continues to monitor implementation of these, and all other agreed actions from internal audit reports, as part of six-monthly update reporting

Other Options Considered

10. None – the Council has a single governance action plan and has determined to receive regular updates on progress against it.

Reason/s for Recommendation/s

11. To enable Members of the Committee to contribute to the development and review of the Council’s governance framework.

Statutory and Policy Implications

12. 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.

13. Whilst there are no specific implications arising from the content of this report, the Council's governance framework spans all of these areas and the action plan is targeted at strengthening governance in specific areas where the opportunity for improvement has been identified.

RECOMMENDATION/S

- 1) That Members determine whether they wish to see additional actions taken, or to receive further reports relating to the governance issues raised in this report.

Nigel Stevenson

Service Director – Finance, Infrastructure & Improvement

For any enquiries about this report please contact:

Rob Disney, Group Manager – Assurance

Constitutional Comments (EKH 01/02/2022)

14. This report is appropriate to be considered by Governance and Ethics Committee and they have the power to make any resolution resultant upon the recommendation.

Financial Comments (RWK 31/01/2022)

15. 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

Planned Action	Officer responsible	Target date for completion	Progress status
1. Modelling sustainable savings plans – approval of ‘Options for Change’ cases for implementation	Service Director - Transformation	Spring/summer 2022	 In progress
<p>The Council’s revised approach to transformation and change was approved by the former Improvement & Change Sub-Committee, including the four cross-council programmes and two underpinning strands of work. Scoping documents for each of these programmes have been prepared, with full ‘Options for Change’ cases now in preparation.</p> <p>The newly established Strategic Insight Unit will have a continuing focus on identifying further opportunities for sustainable transformation going forward.</p>			
2. CIPFA Financial Management Code	Group Manager – Finance Strategy & Compliance	The code has now been implemented and the first full year of compliance is 2021/22.	 Completed
<p>The Financial Management Code (FM Code) is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The FM Code is based on a series of principles supported by specific standards which are considered necessary to provide the strong foundation to:</p> <ul style="list-style-type: none"> • financially manage the short, medium and long-term finances of a local authority • manage financial resilience to meet unforeseen demands on services • manage unexpected shocks in their financial circumstances <p>An updated assessment against the full code was presented to Finance Committee on 6/9/2021. The assessment was that NCC meets 14 of the 17 standards and exceeds the requirements of the other three.</p>			
3. Developing an inclusive vision for Notts and showing leadership of place	Chief Executive	Autumn 2021: approval of new Council Plan	 Completed
<p>Plans for recovering from COVID-19 will encompass the Council’s aspiration for devolution and for building on the Government’s ‘Levelling-Up’ White Paper. We will want to examine all aspects of public sector reform, through conversations with our partners about working more closely together, aligning our services and looking at structures that might be both beneficial and acceptable to all.</p> <p>A key foundation for this is the new ‘Nottinghamshire Plan 2021-31: Healthy, Prosperous, Green’, which was approved by Council in November 2021.</p>			

Planned Action	Officer responsible	Target date for completion	Progress status
<p>4. Post-pandemic review: formally review the Council's response to capture and apply learning for the future. This will build on two reports to date to Policy Committee on the impact of COVID-19.</p>	Chief Executive	To be determined as the course of the pandemic permits	 In progress
<p>Internal Audit has completed three reviews of the organisational response to the emergency, all of which delivered positive assurance. The Emergency Planning Team has reported the outcome of its debriefing survey to the Council's Risk, Safety and Emergency Management Board. This considered the Council's management of the emergency through its emergency response framework and through its significant role within the Local Resilience Forum (LRF). A fuller review through the Local Resilience Forum will be conducted in due course.</p>			
<p>5. Implementation of Cabinet/Scrutiny model of corporate governance: incorporating work to review the constitution and operating model</p>	Service Director – Customers, Governance and Employees	May 2022	 In progress
<p>Full Council gave approval in September 2021 to the development of proposals to change the Council's governance arrangements from a committee system of governance to the executive system (Leader and Cabinet model). A project team is in place and is progressing the extensive work required for consideration by Full Council at its meeting in March 2022.</p>			
<p>6. Equality Impact Assessments (EIAs) – review the approach with key stakeholders and deliver refresher training workshops for completion of EIAs, along with an online e-learning package.</p>	Service Director – Customers, Governance and Employees	April 2022 for revised version of EIA form	 In progress
<p>The review of EIAs has been completed, led by the Council's Equalities Officer, using a working group drawing members from across the Council. Consideration is currently being given to significant changes to the form; an online and simplified version is in development. The key issue remains one of when to complete an EIA and their relevance, and we are in the process of consulting on the changes proposed with the relevant parties, including the recognised trade unions.</p>			

Planned Action	Officer responsible	Target date for completion	Progress status
Advice and guidance continue to be provided to managers across the Council undertaking service reviews or making changes to how work is delivered on content and necessity for EIAs to be completed as part of consultation processes.			
7. Register of Interests – completion of the current review by Legal Services, followed by approval of proposed changes and awareness raising.	Group Manager – Legal, Democratic & Complaints	March 2022	 In progress
Progress has been restricted by continuing demands on relevant officers. Outcomes are expected to be completed by the end of 2021/22.			
8. Planning & Performance Management Framework: review the framework in line with the development of the new Council Plan	Group Manager – Transformation & Change	March 2022	 In progress
The opportunity of the new Council Plan is being taken to refresh the Planning & Performance Management Framework. This will bring forward proposals for business intelligence reporting at all levels in the performance hierarchy. Good progress is being made to align this with a first Annual Delivery Plan and quarterly Vital Signs reporting. Policy Committee, at its meeting in March 2022, is due to consider detailed proposals.			
9. Risk management: agree and implement a revised approach to risk management for the Council	Group Manager – Assurance	March 2022	 In progress
The outcome of the external report on the Council's arrangements for risk management was reported to the Governance & Ethics Committee in September 2021, along with outline details of the action plan now in place to implement the revised approach. The latest progress is included in a separate report to Committee on today's agenda.			
10. Data quality in Mosaic: greater priority given to addressing issues highlighted by routine reporting	Corporate Director – Adults Social Care and Public Health, working with the Group Manager - Assurance	March 2022	 In progress
As part of the 'Simplifying Processes' service improvement programme in ASCH, a consultant has been engaged to review reporting arrangements from Mosaic data. This is embracing standard principles for effective management of information.			

10 March 2022

Agenda Item: 6

REPORT OF SERVICE DIRECTOR FOR FINANCE, INFRASTRUCTURE & IMPROVEMENT

INTERNAL AUDIT PROGRESS TERM 2 2021-22 AND TERM 1 PLAN 2022-23

Purpose of the Report

1. To inform Members of the work carried out by Internal Audit in Term 2 of 2021/22, to allow Members to consider whether they wish to receive any further follow-up reports.
2. To consult with Members on the Internal Audit Plan for Term 1 of 2022/23.

Information

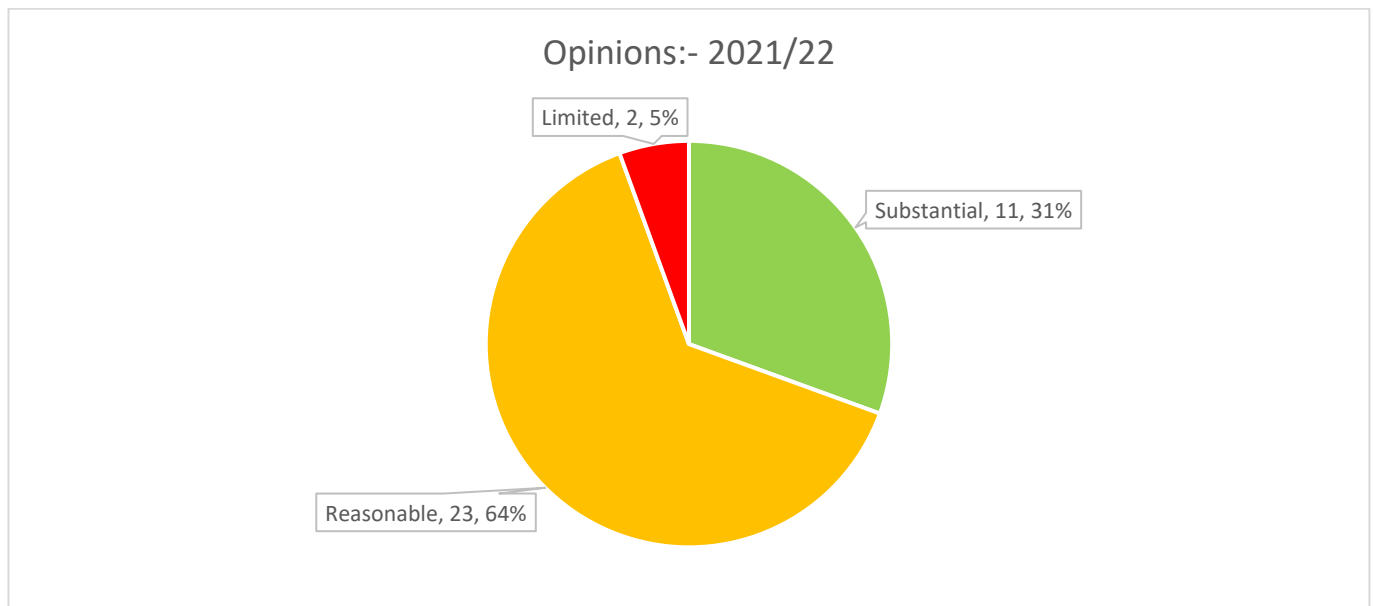
Internal Audit's work in Term 2 2021/22 – August 2021 to November 2021

3. Internal Audit continued to deliver its service through a flexible and agile approach, maintaining efforts to ensure the Team's coverage was complementary to the ongoing, cross-Council pandemic response. A range of work was completed across the Council, covering the following key types of Internal Audit input:
 - Assurance audits - for which an audit opinion is issued
 - Advice and consultancy – often relating to key developments, initiatives and changes to the internal control framework
 - Counter-fraud – primarily focussed on pro-active work to raise awareness of emerging fraud issues.

Audit assurance

4. The opinion-based assurance work is a key contributor to the Head of Internal Audit's year-end opinion on the adequacy of the Council's arrangements for governance, risk management and control. **Chart 1** shows the cumulative distribution of opinions issued in 2021/22, to the end of Term 2.

Chart 1- Opinions to Term 2 2021/22



5. In terms of the work completed on the County Council’s services and systems, **Chart 2** analyses the opinions issued in Term 2 2021/22 by service area and level of assurance.

Chart 2- Opinions for Term 2 2021/22

	LIMITED ASSURANCE	REASONABLE ASSURANCE	SUBSTANTIAL ASSURANCE
COUNCIL-WIDE		Action Tracking	Post EU Transition Covid Review – Phase 3
CHILDRENS PLACE	Sale of Land & Buildings		
ADULTS			
CHIEF EXEC’S		Councillor Divisional Fund	
School Audits	1 Visit	12 Visits	6 Visits

6. The significant pieces of assurance work during Term 2 were the following:

- Continuous Assurance – to provide a monthly report to the Council’s statutory officers on the application of internal control in key Council processes.
- Action Tracking – review of the implementation of agreed actions from internal audit recommendations.
- Councillor Divisional Fund – review of processes and internal controls in operation for administration of the fund.
- Sale of Land & Buildings – review of internal controls and compliance with such for the disposal of assets.

7. **Chart 1** includes schools audits undertaken by the Children's & Families' Finance Team. These visits were suspended when the pandemic hit but have now resumed.

Advisory input

8. Internal Audit continued to provide advisory input to developments in response to the Covid19 pandemic. The following summarises the key areas of activity:
- Children's Member Review – work with Member and Officer Groups to review expenditure within Children's Services.
 - Procurement Cards – advice on controls and monitoring arrangements for an increased volume of payments during the pandemic.
 - Household Support Grant – advice on internal controls and monitoring arrangements to disseminate the grant.
 - ICT Risk Assessment – external review of ICT risks to inform the future coverage of internal audit work.
 - Brooke Farm – advice on income monitoring and records retention.
9. Internal Audit's advisory input ensures that timely advice is delivered and has the opportunity to influence subsequent actions. The engagements in advisory work help to maintain the influence the Section has to retain a proper focus on control issues and provides intelligence for subsequent planned assurance activity.

Counter-Fraud

10. Internal Audit pursued its pro-active programme, disseminating fraud awareness materials to alert departments and staff of fraud risks and scams that emerged during Term 2. The following summarises the key areas of activity:
- International Fraud Week – dissemination of fraud awareness material and document refresh to support the initiative.
 - National Fraud Initiative (NFI) – coordination and review of matches with departments.
 - National and Local Fraud Alerts – screening and distributing to relevant sections alerts publicised by national fraud agencies.
11. In addition, Internal Audit advised in fraud investigation activities involving live cases outlined in the Annual Fraud Report.

Certification

12. Internal Audit also provides a certification function for a variety of grants received and distributed by the Council. During Term 2 the following grant claims were certified:
- Bus Operators Grant;
 - Green Home Grant; &
 - Platt Lane Accounts.

Internal Audit Performance

13. **Appendix 1** provides an update on the Section's performance in Term 2 against its key indicators. It includes the following charts to depict progress against the Term 2 Plan, expressed in terms of the following:

- Inputs – the number of audit days delivered against the Term 2 plan. Each segment in the chart represents ¼ of the Termly Plan.
- Outputs – the number of jobs completed against the plan. Each segment in the chart represents ¼ of the Termly Plan.
- Productivity indicator – the target score is 1.

14. A good level of performance has been achieved and members' attention is drawn particularly to the following:

- Staffing resources – the team's two Internal Audit Apprentices continue to progress well with their training and will soon be facing a series of external examinations. This has brought a fresh and positive impetus for the Team. The time contingency required for the apprentices' training and development continues to be a limiting factor in the extent of audit coverage that may be planned for, but increases in productivity are being seen. The challenge of conducting internal and external training along with undertaking audits remotely has added to this. Nonetheless, the benefits are significant, and the team continues to supplement its capacity through the standing placement opportunity it offers for one of the Council's Graduate Trainees. The latest Graduate has taken up a placement with the Team and has progressed through induction and training and has started to undertake productive planned activities. Staffing productive days have exceeded plans during the Term but are expected to reduce in Term 3 as staff re-schedule annual leave etc.
- Assurance and Advisory activities – the completion of internal audit activity reflects the impact of the pandemic on services and the agile approach adopted. Term 2 demonstrates that the Team have been able to flex plans and provide advisory activities to support the immediate risks facing the Council. This has an impact on delivery of the planned assurance reviews, but these are kept under review for ongoing priority in subsequent plans, as identified in the Term 1 plan for 2022-23.
- Implementation rates for actions arising from audits are off target, as highlighted in the report to Committee in November 2021. The next update on this is scheduled for April 2022.

Proposed Internal Audit Plan for Term 1 2022-2023

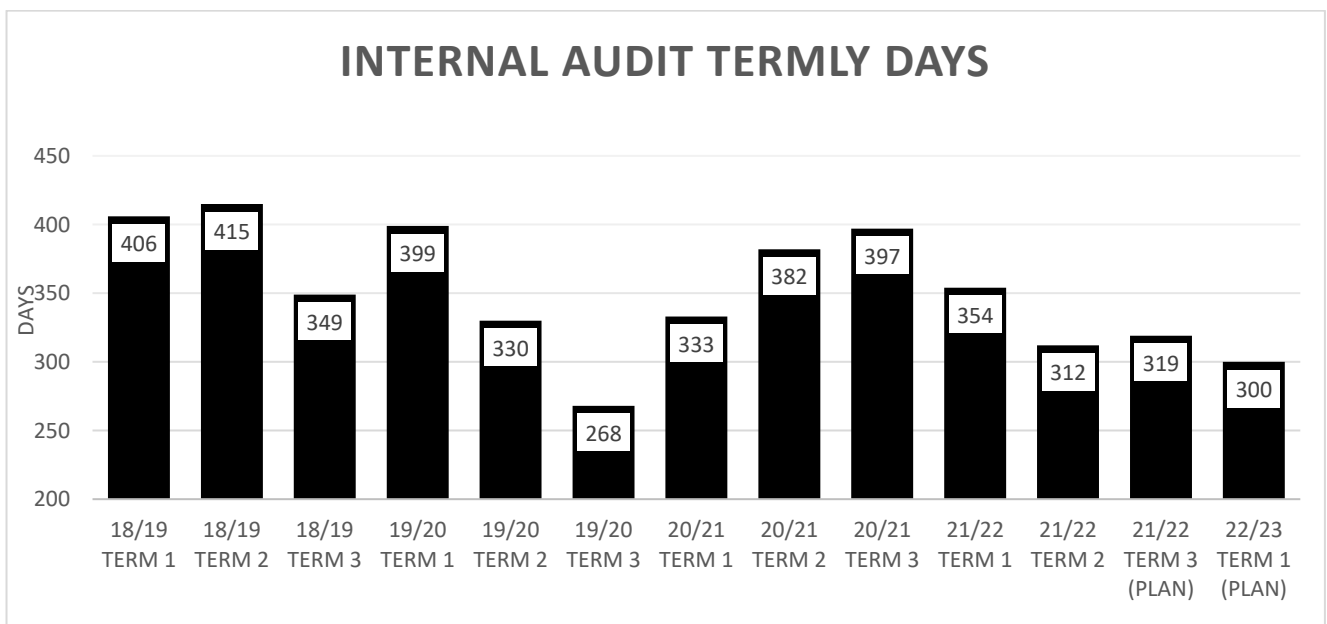
15. Internal Audit termly plans continue to be determined on a risk basis, as required by the Public Sector Internal Audit Standards, and using the methodology previously reported to Members.
16. Termly planning continues to be developed in an agile way allowing the precise scope and objectives for each audit assignment to be agreed at the time the audit is to commence. Detailed discussions prior to an audit commencing should identify other sources of assurance already available for the area in question, thereby clarifying the risks on which Internal Audit's focus should most impactfully be applied. At this planning stage, therefore, proposed topics for audit are expressed in terms of the broad rationale for their inclusion.
17. The Term 1 plan represents the Section's assessment of the key areas that need to be audited in order to satisfy the Authority's statutory responsibility to undertake an adequate and effective internal audit of its system of internal control. The Section's aim is to complete

enough work to express an overall, annual opinion on the adequacy and effectiveness of the Authority’s internal control arrangements.

18. **Appendix 2** sets out details of the draft coverage by Internal Audit for Term 1, and it is summarised in the following table.

Assurance from Audit Coverage	Days	Outputs
Second Line Assurance work	40	3
Opinion Assurance	156	8
Advice / Consultancy Assurance	70	2
Counter Fraud Assurance	14	4
Certification Assurance	20	2
Total	300	19
External Clients (Notts Fire & Rescue Service)	54	
Grand Total	354	

19. The chart below shows the trend in the number of actual days delivered in recent terms, excluding the external clients.



20. The next Internal Audit update to Committee will cover details of the outcome of Internal Audit’s work in Term 3 (December 2021 – March 2022), as part of the Head of Internal Audit’s Annual Report for 2021/22.

Other Options Considered

21. The Internal Audit Team is working to the Public Sector Internal Audit Standards during 2021/22. This report meets the requirement of the Standards to produce a risk-based plan and to report the outcomes of Internal Audit’s work. No other option was considered.

Reason/s for Recommendation/s

22. To set out the report of the Group Manager – Assurance to propose the planned coverage of Internal Audit's work in Term 1 of 2022/23, providing Members with the opportunity to make suggestions for its content.

Statutory and Policy Implications

23. 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. Individual audits completed and in the proposed Termly Plan may potentially have a positive impact on many of the above considerations.

Financial Implications

24. This report The Local Government Act 1972 requires, in Section 151 that the Authority appoint an officer who is responsible for the proper administration of the Council's financial affairs. The Service Director for Finance, Infrastructure & Improvement is the designated Section 151 officer within Nottinghamshire County Council. Section 6 of the Accounts and Audit Regulations 2011 requires Local Authorities to undertake an adequate and effective internal audit of its accounting records and of its system of internal control. The County Council has delegated the responsibility to maintain an internal audit function for the Authority to the Service Director for Finance, Infrastructure & Improvement and Section 151 Officer.

RECOMMENDATION/S

- 1) Arising from the content of this report, Members determine whether they wish to see any actions put in place or follow-up reports brought to a future meeting.
- 2) That the planned coverage of Internal Audit's work in Term 1 of 2022/23 be progressed to help deliver assurance to the Committee in priority areas.

Nigel Stevenson

Service Director for Finance, Infrastructure & Improvement and Section 151 Officer

For any enquiries about this report please contact:

Rob Disney

Group Manager - Assurance

Constitutional Comments (GR – 07/02/2022)

25. Pursuant to the Nottinghamshire County Councils constitution, this committee has the delegated authority to receive this report and to make the recommendations contained within.

Financial Comments (RWK – 07/02/2022)

26. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

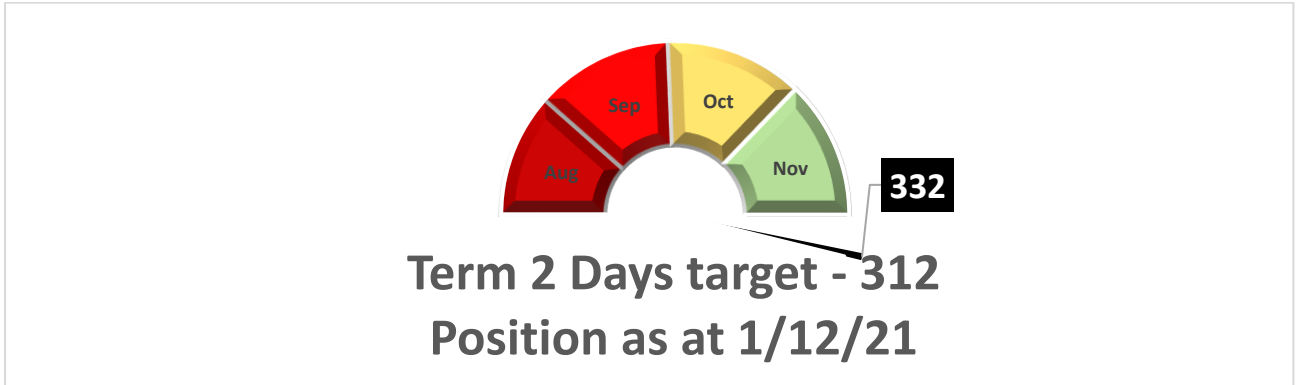
Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

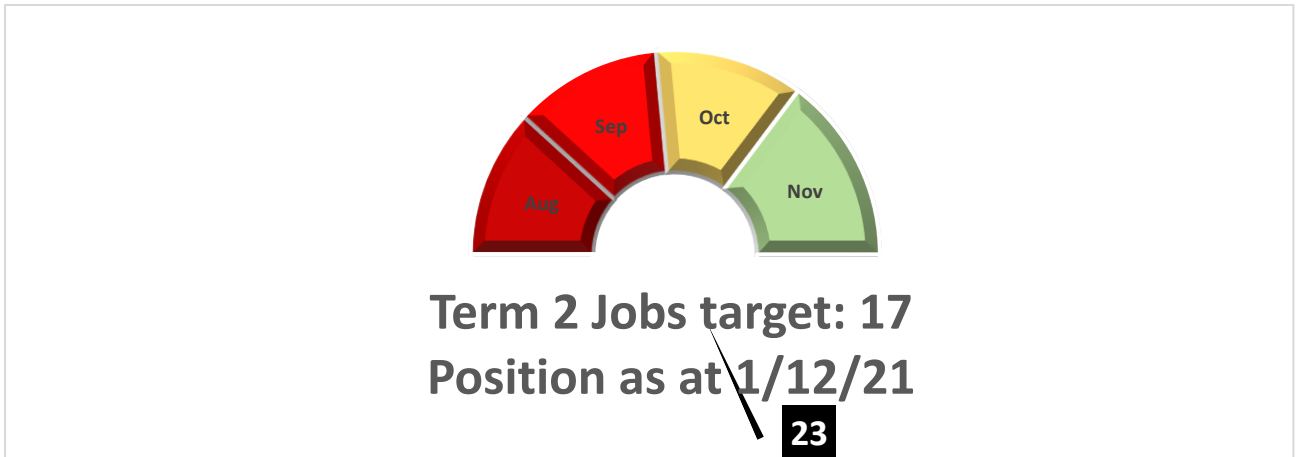
Electoral Division(s) and Member(s) Affected

- All

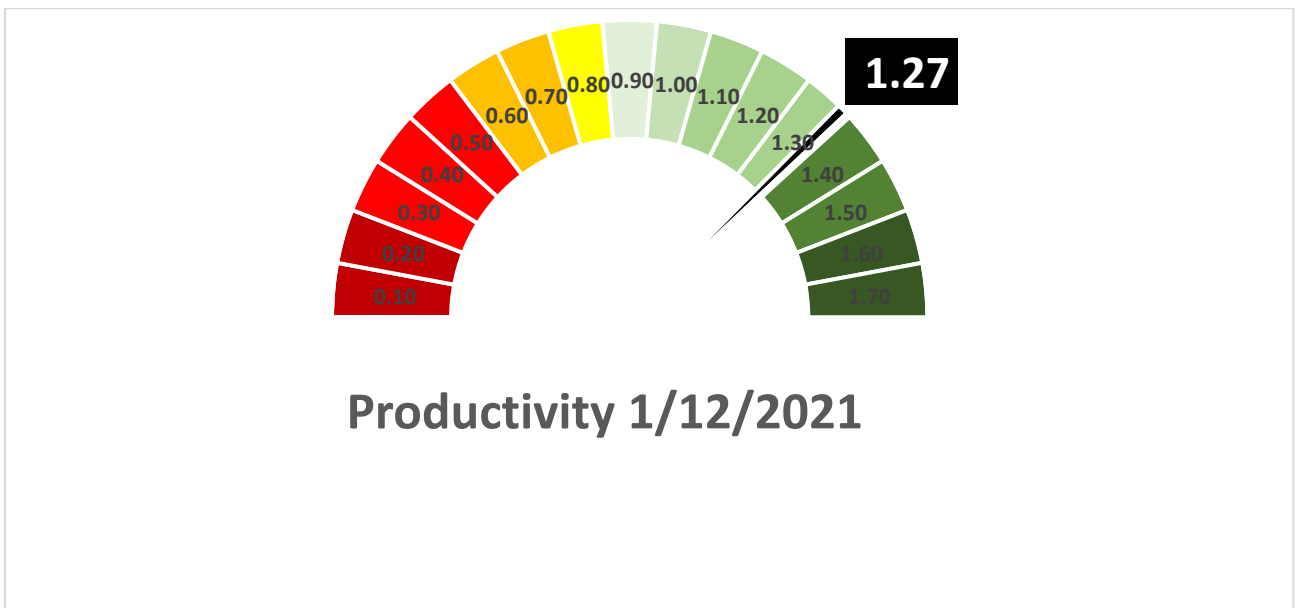
Term 2 – Inputs – Days Delivered



Term 2 – Outputs – Jobs Completed



Term 2 – Productivity Indicator



Key Performance Indicators

Performance Measure/Criteria	Target	Outcome in Term 2
1. Risk-aware Council		
Completion of Termly Plan – Days	90%	✓ 106%
- Jobs	90%	✓ 135%
Regular progress reports to: <ul style="list-style-type: none"> - Departmental Leadership Teams - Corporate Leadership Team - Governance & Ethics Committee 	1 per term 1 per term 1 per term	✓ Completed ✓ Completed ✓ Completed
Publication of periodic fraud/control awareness updates	2 per annum	✓ Fraud Progress Report – January 2022
2. Influential Audit Section		
Recommendations agreed	95%	✓ 100%
3. Improved internal control & VFM		
Percentage of Priority 1 & Priority 2 recommendations implemented (Position as of 11 November 2021 for 2020/21 actions)	75%	✗ 52% Priority 1 ✗ 69% Priority 2
4. Quality measures		
Compliance with the Public Sector Internal Audit Standards (PSIAS)	Compliance achieved	✓ Head of Internal Audit's self-assessment against PSIAS for 2020/21
Positive customer feedback through Quality Control Questionnaire (QCQ) scores	Feedback good or excellent (where a score of 4 is excellent and a score of 3 is good)	✓ 3.53

Area of Assurance Coverage	Priority Level (if risk assessed)	Job count	Other 3rd Line Assurance	Assurance from audit coverage and planned days					Potential scope or area of assurance coverage
				2nd Line Assurance Role	Opinion Assurance	Advice/ Consultancy Assurance	Counter-Fraud Assurance	Certification Assurance	
Audit Risk Assessment - Assurance Requirements for Term 1				Rationale for Assurance Requirement					
Governance Framework									
Continuous Audit Assurance	H	1		25					Core process based : continued reporting to Statutory Officers of routine assurance that core processes are operating as intended, or to identify areas for management/audit attention.
Action Tracking	H	1			30				Follow-up work : six monthly review of the implementation of management actions agreed from previous audits
Assurance Mapping	H	1		10					Core process based : Completion of the annual assurance mapping exercise to capture assurance from across the Council to inform the Annual Governance Statement.
Cabinet/Scrutiny Governance Framework	H	1				10			Advice/Consultancy : Provide advice and insight to the revised Council Cabinet and Scrutiny arrangements and supporting governance framework for its operation.
Annual Governance Statement	H	1		5					Core process based : Co-ordinate evidence gathering for the Annual Governance Statement and to draft the statement for 21/22
Transformation and Change programme	H	0			15				Intelligence based : contingency of days to engage with the corporate, transformation and change programmes, and with departmental service development approaches - to provide timely assurance on their implications for governance, risk management and control
Counter-Fraud									
Counter Fraud - Annual Report & Plan	H	1					5		Counter fraud : Identify areas for subsequent counter fraud activity as a result of the Fighting Fraud & Corruption Locally assessment and completion of the Counter Fraud Annual Report.
Pro-active counter-fraud – NFI 2018-20 - Review of Matches and 2020-21 submissions	H	1					5		Counter fraud : Review and report on the completion of recommended matches by the key contacts within departments for Cabinet Office.
Counter Fraud Alerts - network dissemination & review of training materials	H	1					3		Counter fraud : Review and dissemination of fraud alerts from national counter-fraud agencies. Review and update the Counter Fraud Training Material for dissemination across the Council to support International Fraud Week.
ACFS - Counter Fraud Case Reviews - financial irregularities	H	1					1		Counter fraud : Regular liaison to address concerns of misuse of direct payments, and other possible financial abuse involving service users
Certification									
Household Support Grant Certification	H	1						5	Certification - Audit certificate for use of the new Household Support Grant expenditure
Trading Standards Grants	H	1						15	Certification - Audit certificates for use of NTSB grant funding for Regional Investigation Team and operations covering three grants and multiple claims.
Assurance									
ICT Access Management	H	0			10				ICT Risk Based : Undertake a review access controls assurance especially in relation to new structures and home working
Cloud Services - NAO Guidance	H	1			5				Intelligence based : Continue to completion the review of arrangements for the delivery of Cloud Services compared to guidance from the NAO
Cyber Security	H	1			10				Core process based : continue the review of processes in place to provide assurance through Public Services Network (PSN) and Cyber Essentials accreditation
Adults - Ombudsman Complaints	H	0			6				Intelligence based : Review of the approach to communications and application on lessons learnt from cases and outcomes from Ombudsman reporting.
Adults Workforce Planning	H	1			10				Intelligence based : Completion of Term 2 activity to review plans and initiatives around workforce resilience, to address the reduction in staffing numbers and review the use of agency contract workers
Climate Change	H	1				15			Intelligence based : Advisory input to the Council's planning, monitoring and reporting arrangements to progress its stated objectives with regard to the climate agenda through initial monitoring of the framework established with reference to NAO guidance and subsequent deeper dive activities within subsequent Terms.
Property Compliance (Vacant Property follow Ups)	H	1			10				Intelligence based : Complete the review of newly implemented arrangements for assurance via Arc Partnership, plus potential for deeper review of vacant property
Direct Payments - Use and Control of Provider Payments	H	1			10				Intelligence based : Continue to completion the review of controls in place for the management and control of direct payments building on intelligence from counter fraud activities to ensure internal controls are effective.

Area of Assurance Coverage	Priority Level (if risk assessed)	Job count	Other 3rd Line Assurance	Assurance from audit coverage and planned days					Potential scope or area of assurance coverage
				2nd Line Assurance Role	Opinion Assurance	Advice/ Consultancy Assurance	Counter-Fraud Assurance	Certification Assurance	
Pensions - Non LGPS Investments	H	1			10				<i>Core process based</i> : Finalise the review of Pension Fund investments that are not managed through the LGPS Central Ltd following completion of the Partner audit review.
Workforce Strategy	H	0			15				<i>Core process based</i> : Provide assurance that objectives and plans for meeting the future requirements for workforce skills and capacity are progressing in line with project delivery aims.
Value for Money - Expenditure Reviews (Adults Day Services)	H	1			25				<i>Intelligence based</i> : National financial pressures and changing external audit focus bring a renewed importance to ensure that Value for Money (VFM) is obtained across the Council through expenditure reviews.
Sub-totals				40	156	25	14	20	
Planning, reporting, client management									
Governance & Ethics Committee		0				10			<i>Core Activity</i> : Preparation of reports in accordance with the Governance and Ethics Committee annual work plan and attendance at meetings.
Client management		0				20			<i>Core Activity</i> : Planning and termly progress reports to Corporate Leadership Team.
Advice		0				15			<i>Core Activity</i> : Advice to client on financial and other controls, on request.
Sub-totals				0	0	45	0	0	
Grand Totals		19		40	156	70	14	20	
				300					
Forward Plan for assurance in subsequent Terms									
Property Sales	H								<i>Intelligence based</i> : Review of changes to procedures recommended within the previous audit to provide assurance over the operation of new controls.
PFI - arrangements for the exit	H								<i>Intelligence based</i> : Arrangements in place for the completion, exit and hand back of arrangements under PFI schemes
Culture	H								<i>Core process based</i> : follow-on from previous review of procedures, guidance and protocols - potentially to link in with other 3rd line assurance.
Thematic Review of Schools Finances - NAO Sustainability	H								<i>Intelligence based</i> : Undertake a review of processes within schools based on risks emerging from the NAO guidance and sustainability.
Contract Mangement	H								<i>Intelligence based</i> : Undertake a review of newly implemented processes to drive and support the VFM Agenda.
Budget Setting & MTFS	H								<i>Intelligence based</i> : Undertake a review of robustness and consistency of budget setting processes and assumptions.
Social Care - Future Needs & Impact	H								<i>Intelligence based</i> : Undertake a review of intelligence and data analytics used to form a view of future needs with comparison of practices nationally within Adults and Children's.
Asset Management	H								<i>Intelligence based</i> : Undertake a review as part of smarter working the management of assets and the realisation of capital receipts.
ICT Asset Controls	H								<i>ICT Risk Based</i> : Undertake a review of asset control especially in relation to mobile devices and remote working environments.
ICT Networks	H								<i>ICT Risk Based</i> : Undertake a review of the processes for establishing and the robustness of networks WAN/LAN.
Use of Financial Waivers	H								<i>Intelligence based</i> : Undertake a review of the use and application of waivers following reports from Nottingham City Council Internal Audit.
Use of Agency Staffing	H								<i>Intelligence based</i> : Undertake a review of the use of agency staffing contracts across the Council and especially in high use areas.
Regeneration Relationships	H								<i>Intelligence based</i> : Undertake a review of relationships with developers and economic developments at a Local and national Level.

10 March 2022

Agenda Item: 7

REPORT OF SERVICE DIRECTOR FOR FINANCE, INFRASTRUCTURE & IMPROVEMENT

CORPORATE RISK MANAGEMENT UPDATE

Purpose of the Report

1. To inform members of developments in the Council's arrangements for corporate risk management and to report the latest movements in key, operational risks.

Information

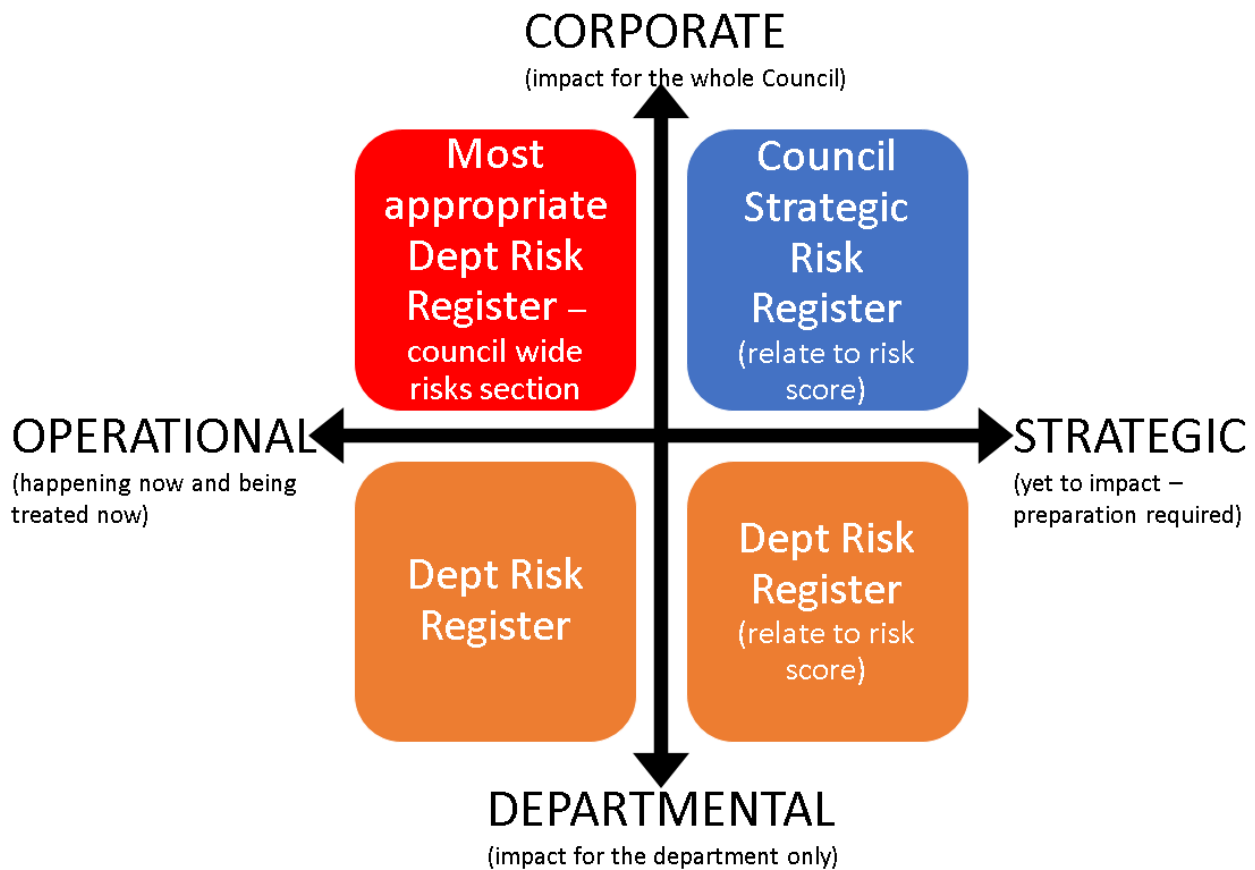
2. The County Council's corporate risk management processes are managed through the work of the Risk, Safety and Emergency Management Board (RSEMB), under the leadership of the Service Director, Place and Communities. The RSEMB comprises representatives from all departments, plus specialist support officers.
3. Under normal circumstances, RSEMB meets five times each year. Meetings are held more frequently to manage the Council's response to local and national emergencies, and this has been the case in recent times as a result of the ongoing, national coronavirus pandemic and to manage local flooding incidents. The RSEMB links to the Risk, Safety and Emergency Management Group (RSEMG) for each department, and it informs the Corporate Leadership Team (CLT) on risk issues. By this mechanism, risk topics are cascaded through the organisation as appropriate.
4. Appendix 1 presents a high-level representation of the Council's risk management framework, showing the key groups and forums involved and their primary focus on strategic and/or operational risk management.

Development of the Council's Risk Management Approach

5. The previous update in September 2021 reported the outcome of an external review of the Council's corporate risk management approach, in which significant scope for improvement was identified. Progress to date against the action plan is set out in the following table.

Action	Progress to date
Strengthening the oversight and management structure for risk management	RSEMB has determined to prioritise risk on its agenda a number of times in its annual schedule of meetings and, for those meetings, all Service Directors will be requested to attend. It has been agreed that the input of this cohort of senior managers will ensure the most appropriate strategic input to the Board's discussions.
Ensuring a reliable support structure is in place	Work continues to identify the most impactful means of supporting and servicing the risk management framework within the resources allocated across the Council. At the corporate level, interim support is being utilised from the Council's current insurers, Zurich Municipal, at no additional cost by utilising the consultancy hours available to the Council through the insurance contract.
Re-aligning the risk focus of the Risk Board and supporting Risk Groups	<p>Progress is being made with establishing a clear distinction between strategic and operational risk management. The corporate risks recorded on the previous Corporate Risk Register have been recognised as key operational risks and, as such, have been re-allocated to RSEMGs for ongoing management and reporting. The section below on Operational Risk sets out further details.</p> <p>Progress has also been made in relation to strategic risk, in that a first risk-focused meeting of the RSEMB was held in early December 2021. This forms the basis for continuing work now to establish a corporate Strategic Risk Register for the Council. Further details are set out below under the section titled, Strategic Risk.</p>
Updating the Council's Risk Management Strategy and Policy	Once the revised approach has been established and settled, a refreshed strategy and policy will be presented to the Governance & Ethics Committee for approval.
Determining the Council's approach to identifying its risk appetite	Work is progressing to introduce Key Risk Indicators into the management of operational risk, as a contributor to a wider approach to determining the Council's risk appetite. It is recognised that further work and thinking is required to identify and propose a suitable approach for the Council.
Improving consistency and clarity in risk templates and reporting	A quarterly risk reporting regime between the Risk Groups and the Risk Board has now been initiated, using a concise and consistent risk reporting template. The first set of reports are used as the basis for reporting the latest position with key, operational risks (<i>see para 11</i>).
Reviewing and refreshing risk management training	Designing and implementing risk management training for officers and Members will follow once the revised strategy and policy have been approved.
Aligning our risk approach with our key suppliers and partners	<p>Work is underway with the Corporate Procurement Team, linking in with the Corporate Contract Management Group, to design and implement a risk-based approach in the Council's contract management framework.</p> <p>Once established, this will form an important source of intelligence for RSEMGs' quarterly operational risk reports in terms of the management of risk in live contracts.</p> <p>The approach is considering the input of risk management throughout the contract management lifecycle; therefore it will also make a contribution to strategic risk management at the commissioning, pre-contract and post-contract evaluation stages of the cycle.</p>

6. Members are likely to have come across reference to the notions of strategic, operational, corporate and departmental risk. To assist Members' appreciation of these terms, the following explains them in the sense of two distinct, but linked, dimensions to risk management. It also identifies which of the Council's risk registers should record each type of risk.



7. Essentially, a risk can be assessed in terms of whether it is:
- a) strategic or operational? – operational risks are those that are impacting now and being treated now on a day-to-day basis, while strategic risks concern changes, developments and opportunities for which the Council needs to prepare
 - b) corporate or departmental? – corporate risks have an impact across the Council, while departmental risks are more confined in specific areas of service.

Strategic Risk

8. As indicated in the table above, progress has been made to establish a forward-looking, strategic risk register for the Council. As a basis for this, RSEMB held a session in December 2021 to consider a PESTLE analysis for the Council. This is a well-established management tool to identify future threats and opportunities across six dimensions of an organisation's operating environment:
- **Political** – national, regional and local political developments likely to impact the Council
 - **Economic** – the Council's financial outlook
 - **Social** – developments and trends in the local population the Council serves
 - **Technological** – opportunities to take advantage of advancing technology

- Legal – proposed and approved statutory changes impacting Council services
- Environmental – opportunities and obligations to protect and sustain the local environment.

9. The outcomes from the PESTLE session are currently being assessed, and a report will be taken back to RSEMB to agree the key risks and opportunities to be included on the Strategic Register. The following sets out a flavour of the type of risks flagged in the December meeting, to illustrate the type of risk likely to feature on the strategic register.

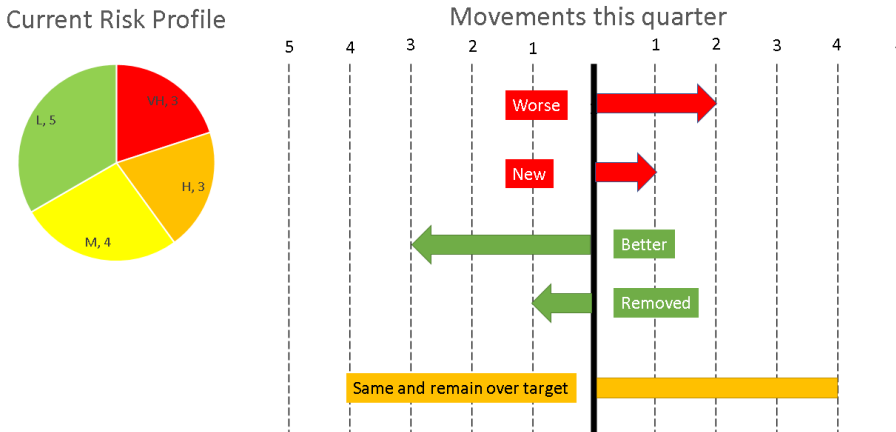
<p>Political</p> <ul style="list-style-type: none"> - Change to cabinet/scrutiny model of governance - Potential consideration of regional structures for key areas of service provision - Opportunity of devolution for Nottinghamshire - Future changes to data protection legislation 	<p>Economic</p> <ul style="list-style-type: none"> - Future reform of local government funding - Macro-economic instability – inflationary pressures in supply chain and labour markets - Continuing pressure for successful transformation and change programmes
<p>Social</p> <ul style="list-style-type: none"> - Potential for widening inequality and division in society, leading to changing demand for services - Clarifying post-pandemic service priorities - Future projection of increasing social care demands from the ageing population 	<p>Technological</p> <ul style="list-style-type: none"> - Digital exclusion of some sectors of the community - Challenge of the future workforce the Council needs, in terms of demographics, projected skills gap, hybrid working, potential impact of automation - Keeping up with the pace of change in ICT
<p>Legal</p> <ul style="list-style-type: none"> - Implementing Health & Social Care Bill - Potential legal challenges to statutory provision - Civil contingency changes 	<p>Environmental</p> <ul style="list-style-type: none"> - Lack of clarity on how to achieve carbon neutrality by 2030 - Supply chain impacts and the concept of ‘green transfer’

10. Once the list of strategic risks is agreed, further work will then be undertaken on each entry to assess the Council’s current level of preparedness and the need for additional mitigations. RSEMB will then keep these risks under regular review, as each one is tracked through to impact. At that point, the strategic risk becomes an operational risk, and so is transferred to the appropriate RSEMG register for ongoing management.

Operational Risk

11. A significant development since the previous update is the implementation of a risk reporting regime between the RSEMGs and the RSEMB. This is founded on a simple format, as illustrated in the following example template, to provide a concise view of current risk levels in departments and, importantly, the movement in those risk levels over the previous quarter.

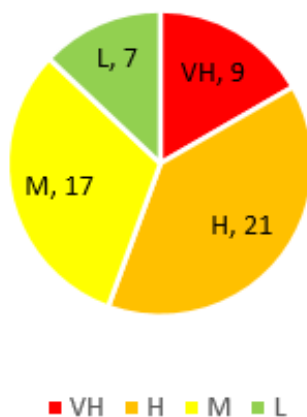
Risk profile and movement



12. The first set of RSEMG reports have been compiled for reporting to RSEMB. The Board will consider the reports in appropriate detail and the intention is to provide a summary of the latest position, both to the Corporate Leadership Team and to this Committee as part of the six-monthly risk updates.

13. The overall profile of operational risk across the Council is indicated in the chart below, followed by a concise summary of key movements over recent months.

The Council's Current Operational Risk Profile



The number of risks currently rated in each of the four levels of severity: Low; Medium; High; Very High

In recent months, increases in risk levels have been experienced in the following key areas:

Risk	Recent experience and response
Ability to meet statutory social care duties	Increased demand for services linked with internal and external capacity issues across both workforce and services has led to backlogs in demand. This risk is being managed as part of the current emergency response. The risk is split into

Risk	Recent experience and response
	several component areas of service, with trends being monitored and a critical incident management plan in place.
Staff wellbeing and resilience	Staff availability levels in frontline care services are being doubly impacted by increased sickness absence and difficulty recruiting to vacant posts.
Major supplier or supply chain failure	There is increased uncertainty in supply markets as a result of several root causes. Mitigations are centred on heightened contract management activity through the Corporate Procurement Team, working closely with departmental leads and key suppliers. A framework for continuous risk assessment is under development for inclusion in the contract management toolkit.
Failure to deliver planned service improvements	The ongoing pressures to prioritise the maintenance of frontline care services is putting service improvement targets at heightened risk of delay.
Market sufficiency for children's residential placements	Additional market capacity pressures arising from a recent change in the law regarding residential placements, impacting the short-term needs of a small number of Nottinghamshire children.
Availability of special school places	Continuing shortfall in places for those children with special education needs. Mitigations are to provide additional support to mainstream settings and, in the longer term, to increase special school capacity.

Risk levels have remained above target levels in some important areas:

Risk	Recent experience and response
Major failure of information governance	Although the number of high-level data breaches is low, any such breaches are of concern. Human error remains the primary root cause. Risk is kept under quarterly review, to monitor incidence levels and compliance with key mitigations around security controls, policies and procedures and completion of mandatory data-security training.
Volatility in key budget areas	Demand for Council services in the areas of Children's and Adults' Social Care where safeguarding takes priority. These centre around pressure on the staffing budget and external market supply. Close budget monitoring and reporting of these high-risk areas continues into the Finance Committee. In terms of the Council-wide position, risk levels are at target level.
Prolonged loss of ICT	A high state of vigilance continues to be required to protect the integrity and resilience of the Council's systems. Further, planned mitigations are focusing on target areas following penetration testing and assessment against Cyber Essentials standards.

Risk	Recent experience and response
Failure to deliver the transformation programme and maintain critical services	Successful, external recruitments have been made to the Service Director and Group Manager posts for Transformation & Change. These appointments will be key to driving forward the full 'Options for Change' cases now in development.
Insufficient post-2020 funding to enable investment in Nottinghamshire	Communication and lobbying with central government to ensure dialogue with the Department of Levelling Up, Housing and Communities (DLUHC) is kept open, and working on major investment opportunities while funding is available.
Risk of significant financial costs arising from a lost or challenged prosecution case or enforcement action taken forward by Trading Standards	While this has not occurred to date in Nottinghamshire, cases have been seen in other local authorities. Key mitigations centre on: enforcement and prosecution policies; case management procedures; investigations overseen by regional and national bodies; reports to committee identifying potential risks.
Failure to meet Dept. for Environment, Food & Rural Affairs (DEFRA) Private Finance Initiative waste contract requirements	The results of a recent DEFRA consultation, along with new guidance and potential funding streams, are currently awaited. The Nottinghamshire Waste Partnerships continue to explore other sources of funding and projects, to improve recycling rates. Covid had a significant impact on waste across the Council. Domestic waste rates increased but the respective recycling rates did not. Therefore, the Waste Recycling Partnership is exploring options regarding the future design of the Household Waste service across Nottinghamshire.

Success has been seen in mitigating some important risks down to lower levels:

Risk	Recent experience and response
Business continuity	All services requiring a business continuity plan have one. These have been tested in various ways during the pandemic over the last two years.
Failure to manage health and safety risks	The latest assessments and internal inspections confirm key controls to be in place, with good engagement around incident reporting, recording and investigation. Risk is now assessed to be at target level.
Failure to maintain effective governance	This related to potential disruption to governance at the outbreak of the pandemic, in particular relating to the suspension of in-person Committee meetings. This was quickly resolved through the establishment of procedures for online meetings and revised arrangements have flexed as restrictions have varied.

14. Future updates will continue to report the latest position and movements with operational risk management. It is anticipated that the next update will also present a first, corporate Strategic Risk Register for review and ongoing monitoring.

Other Options Considered

15. The report presents members with an updated position on the principal, corporate risks for the Council. No other options were considered.

Reason/s for Recommendation/s

16. To present members with the opportunity to consider, and influence, the content of the Council's corporate risk register and its proposed actions to refresh the approach to corporate risk management.

Statutory and Policy Implications

17. 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

1) Members consider the progress being made with implementing the improvement plan for risk management, and the latest update in relation to operational risk in the Council, and determine whether they wish to see any further actions or reports in advance of the next six-monthly update.

Nigel Stevenson

Service Director for Finance, Infrastructure & Improvement and Section 151 Officer

For any enquiries about this report please contact:

Rob Disney

Group Manager - Assurance

Constitutional Comments (EKH 08.02.2022)

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

Financial Comments (RWK 10/02/2022)

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

Background Papers and Published Documents

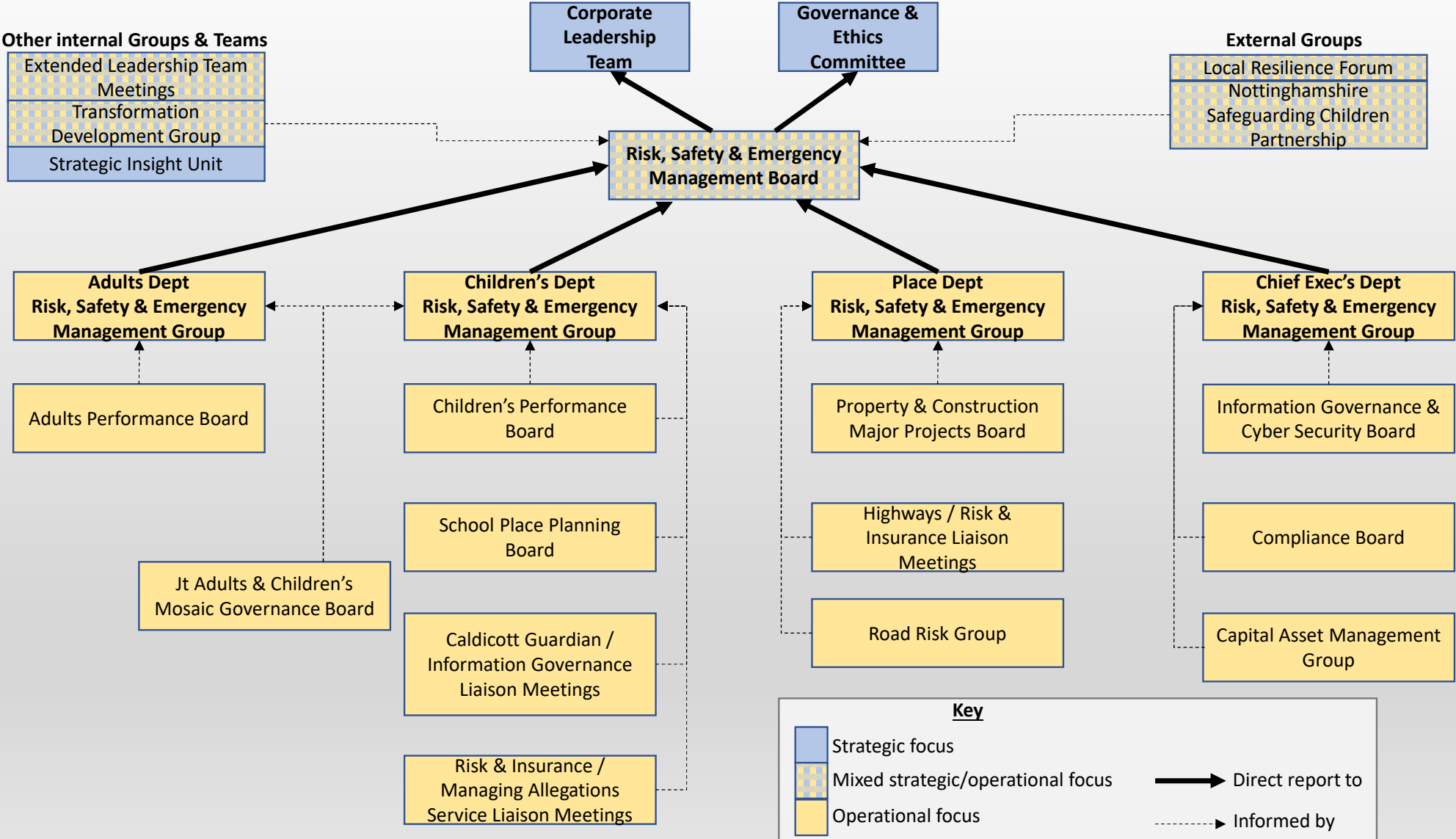
Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Nottinghamshire County Council – Corporate Risk Management Framework



REPORT OF THE MONITORING OFFICER

WHISTLEBLOWING UPDATE

Purpose of the Report

1. To update Committee on Whistleblowing activity during 2021 and to update Committee with regards to the review of the current Whistleblowing Policy.

Information and Advice

2. 'Whistleblowing', also termed 'making a protected disclosure', is regulated by the Public Interest Disclosure Act 1998 (PIDA). Whistleblowing means the reporting by workers of suspected misconduct, illegal acts or failure to act within the organisation they work for. The aim of the County Council's Whistleblowing Policy is to encourage Council and other relevant workers who have serious concerns about any aspect of the operation of the Council to come forward and voice those concerns. Having effective Whistleblowing procedures enables workers to raise serious concerns within their organisation rather than ignoring a problem or 'blowing the whistle' elsewhere.
3. The County Council's Whistleblowing Policy incorporates the provisions in PIDA; that employees who raise concerns pursuant to it in good faith, will not suffer victimisation, subsequent discrimination, disadvantage or dismissal as a result of doing so.
4. All matters reported under the Whistleblowing Policy are referred to the Monitoring Officer. The County Council logs the concerns it receives centrally on its corporate register. During 2021, one matter was reported under the Whistleblowing Policy.
5. The concern which has been reported is summarised in the table below. Given the confidential nature of such complaints this report can only refer to the general nature of the concerns and cannot include specific details about any particular case.

No.	Nature of concern	Dept.	Status of complaint	Outcome
1	Practices at Secure accommodation unit, in particular emergency drills.	Children and Families Service	Closed	Complaint not upheld. Addressed in a response sent from the service on 17 September 2021. Procedures at the unit

				deemed to be appropriate.
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6. The following table sets out the number of complaints for each Department recorded for the last four years. It can be seen that two concerns were reported in 2018; one concern was reported in 2019 and two concerns were reported during 2020. There has been one concern reported in 2021.

Year	Number of complaints recorded per Department			
	Adults	Children's	Place	ChiefExec
2021		1		
2020	1		1	
2019	1			
2018	1			1

7. In addition to the above referrals, a delayed Employment Tribunal case in 2021 (which related to a historic dismissal from several years ago) reached a finding that given the facts of that case the Council should have treated the employee's grievance at the time as a Whistleblowing matter.
8. Appropriate learning has been identified from this case and an action plan to embed this learning has been developed. Part of this action plan includes reviewing the current Whistleblowing Policy and procedure with officers in HR and Legal Services, to ensure that all managers are aware of the Council's approach to Whistleblowing. This will look to embed within the Council the right to make a protected disclosure through the provision of information and training.
9. The above action links to a full review of the Council's Whistleblowing Policy and procedures that had already been commissioned. Unfortunately, due to the Covid-19 pandemic and more recent pressures relating to the proposed changing governance arrangements it has not been possible to complete this work.
10. The full review is currently being carried out and is considering the following:
- a. Clarification of what constitutes a Whistleblowing referral (compared to other types of concerns or complaint which may be raised through other channels, such as the Corporate complaints process, HR grievance and harassment procedures or financial monitoring systems);
 - b. The wording of the documents setting out the Council's Whistleblowing arrangements to provide clarity (including practice at other comparator Councils and clarification of the correct procedure for reporting Whistleblowing concerns relating to schools);
 - c. The protection the Council can afford to workers who are not direct employees of the Council;
 - d. Clarification that members of the public who have no working relationship with the Council are not subject to the provisions of PIDA;

- e. The different ways in which Whistleblowing concerns are received across the Council, how they are logged and tracked to a conclusion;
 - f. Training for officers handling Whistleblowing referrals and for the wider workforce, to improve awareness and aid understanding of the relevant procedures;
 - g. Awareness raising activities.
11. Those preparing this report have clarified that there is no legal requirement in the UK to have a Policy on Whistleblowing. As such, it is proposed that the revision of the current Policy will result in the adoption of a Whistleblowing Code which will be reported to Governance and Ethics Committee for any reviews and updates.
12. The key service areas within the Council who may receive Whistleblowing referrals (Audit, Human Resources, Legal Services, Office of Chief Executive, Monitoring Officer, Complaints Team) will be invited to contribute towards the review. Once completed, subject to the approval of this Committee, the Code will be adopted in the place of the existing Policy.

Other Options Considered

13. The law offers protection to Council employees making protected disclosures and the Council is committed to providing a safe and effective procedure for making such disclosures without fear of intimidation or victimisation. The proposed review of the current Policy and subsequent adoption of a Whistleblowing Code should result in a clear and effective procedure which can then be easily communicated to staff to ensure awareness.

Reason/s for Recommendation/s

14. To ensure that the Council complies with its legal obligations regarding protected disclosures. It is important that the Whistleblowing Policy (or new Code) is fit for purpose and that employees and other relevant workers are aware of it and understand what to do if they wish to make a disclosure.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, 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, sustainability and the environment and ways of working 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

- 1) That the Committee considers the contents of the report and supports the continuation of the work to review the policy with a view to replacing it with a Whistleblowing Code.

Marjorie Toward, Monitoring Officer

For any enquiries about this report please contact:

Emma Hunter, Legal Services – Corporate & Environmental Law Team

Constitutional Comments (CEH 14/02/2022)

16. The report falls within the remit of Governance and Ethics Committee.

Financial Comments (RWK 14/02/2022)

17. There are no specific 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

10 March 2022

Agenda Item: 9

REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND EMPLOYEES

THE COUNCILLOR'S DIVISIONAL FUND – REVISED POLICY AND PROCEDURES

Purpose of the Report

1. To seek Committee approval for an updated version of the Councillor's Divisional Fund (CDF) policy and related procedures.

Information

Background

2. The CDF is a specific budget which enables each County Councillor to put forward proposals for expenditure in their electoral divisions which accord with the strategic objectives of the Council. Such payments are subject to compliance with the requirements of the agreed CDF Policy.
3. Each Councillor is allocated up to £5,000 to spend within each financial year. Any funds remaining unspent within this budget at the end of the financial year are returned to corporate balances.
4. The CDF policy was last updated by Policy Committee on 18 July 2018, following prior consideration by Governance and Ethics Committee.
5. In light of concerns which had been raised about the operation of the CDF scheme, Internal Audit undertook an audit of the scheme in 2021. Some of the issues raised by this audit reflected some issues previously shared with the Committee via the ongoing annual audit samples undertaken by Democratic Services. The overall audit opinion was that the scheme currently offers Reasonable Assurance.
6. Democratic Services Managers have responded to the findings of the audit in line with due process. These findings included a key recommendation to revise the CDF policy to address existing areas in which there is currently a lack of clarity (for Members, officers and applicants).

7. At its meeting on 16 December 2021, the Governance and Ethics Committee established a cross-party working group to draft proposed changes to the policy and procedures for agreement by the Committee at a later date.

CDF Review Cross Party Working Group

8. The working group consisting of Councillor Philip Owen, Councillor Nigel Moxon, Councillor Chris Barnfather, Councillor Errol Henry and Councillor John Wilmott met on 24 and 31 January 2022.
9. In revising the policy, the starting point involved taking a fundamental look at the aims and overall objectives of the CDF and how it operates in practice.
10. To inform the revisions, a number of key points of principle were considered and agreed by the Working Group – attached at **Appendix A**.
11. These principles seek to better reflect and achieve the overall aims and maximise the benefits to the wider community of the scheme. They also seek to address some of the concerns raised within the audit exercise, particularly around those areas where there was a lack of clarity or potential weakness.
12. The proposed revised policy (with track changes to help illustrate the changes) is attached at **Appendix B**. Any existing formatting and grammatical issues or points of clarification have also been addressed as part of the revisions. For ease of reference, a 'clean' version of the updated policy is also attached at **Appendix C**.

Electronic System

13. Governance and Ethics Committee had previously agreed that the Council should move to a self-serve electronic system to administer the CDF.
14. The new system will also help to automate some of the existing checks and balances and hopefully reduce the time that Democratic Services officers and Members have to spend dealing with applications. In time it is hoped that the new system can also provide further information to the Committee on trends and patterns in the use of this funding.
15. The initial proposed flow of steps in the new process to be incorporated into the electronic system is set out in the Points of Principle document – attached at **Appendix A**.

Other Options Considered

16. Other possible changes considered but discounted included:
 - a. Ceasing all payments to individuals – however, it was felt that that such payments should be permitted in those circumstances where a demonstrable benefit to the wider community can be evidenced and increased risk assurance measures are introduced.
 - b. Ceasing all payments to profit-making organisations, limited companies or organisations that receive statutory funding for that specific purpose – however, it was agreed that these should continue to be permitted on similar grounds to payments to individuals.

- c. Ceasing all payments to District and Borough Councils – however it was felt that on occasions these payments are an important means of enabling the Fund to be accessed by more formal community groups who may not have bank accounts.
- d. Introducing ‘funding windows’ for CDF payments - the idea of restricting applications to specific periods in a financial year was highlighted by Internal Audit as a means of achieving some potential benefits around the running of the scheme. However, it was felt that the potential benefits are outweighed by the speed and flexibility which the current arrangements offer.
- e. Ceasing all payments to Third Parties - in very limited circumstances a contractor is paid directly for undertaking work for an activity/event etc being funded by the CDF (e.g., an electrician installing a defibrillator) for reasons such as the applicant does not have an appropriate bank account. Whilst the risks of this are recognised, it is felt that such payments should continue to be permissible on an exceptional basis and with appropriate checks to ensure that the work has been undertaken.

Reason/s for Recommendation/s

- 17. To update the policy and processes around the CDF scheme to better reflect the aims and objectives of the scheme and to address concerns raised in the recent audit.

Statutory and Policy Implications

- 18. 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 the revised CDF Policy be approved for implementation in the 2022-23 financial year.
- 2) That the proposed electronic system be developed as outlined in the report, with Members of the Committee requested to pilot the test system once developed.

Marjorie Toward
Service Director, Customers, Governance and Employees

For any enquiries about this report please contact:
 Keith Ford, Team Manager, Democratic Services Tel. 0115 9772590
 E-mail: keith.ford@nottsc.gov.uk

Constitutional Comments (HD – 8/2/22)

- 19. The proposals within the report fall within the remit of Governance and Ethics Committee, which is responsible for policy development and approval of matters within its remit (subject

to any necessary approvals by Policy Committee or the Full Council) and are also responsible for monitoring the Councillors' Divisional Fund. This matter does not have significant policy or other impacts to require Policy Committee approval and is not otherwise reserved to Full Council, so the decision to change the Policy and procedures may be taken by the Governance and Ethics Committee.

Financial Comments (SES 08/02/2022)

20. 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.

- Internal Audit Report – Councillor's Divisional Fund - October 2021

Electoral Division(s) and Member(s) Affected

- All

Councillors' Divisional Fund – Review of Policy – Points of Principle

APPENDIX A

The following points of principle were considered and agreed by the CDF Review Working Group to inform a redraft of the CDF policy and scheme and to underpin the development of the new electronic system.

	<u>Recommended Points of Principle</u>	<u>Reasons for the change</u>
1.	Overall aim and focus of the CDF scheme to be clarified.	<ul style="list-style-type: none"> To underline to Members and applicants that the scheme is a Member-led process to fund activities that assist the delivery of the Council's priorities by actively supporting local communities on a divisional basis.
2.	<p>Current rules to be relaxed to more readily enable funding of certain running costs of not-for-profit / voluntary groups in Nottinghamshire but not including salaries or an organisation's main office rents (the cost of room and venue hire would be permitted).</p> <p>General charitable donations to no longer be permitted in light of this change in the rules about running costs.</p>	<ul style="list-style-type: none"> To enable Members to more easily support a local organisation that is helping communities within their Division without the need to ringfence it to specific events etc. This will reduce the main source of confusion, delays and Member / officer time. Salaries and main office rents will remain outside of the CDF remit as these carry the risk of an organisation becoming dependent upon this funding to survive from year to year and the Council could face criticism if that funding was not to be provided in the future. The ability to make a contribution towards running costs should effectively remove the need for general charitable donations.
3.	The CDF criteria to be aligned with other NCC funding streams to ensure the applicant is directed to the most appropriate single source of NCC funding.	<ul style="list-style-type: none"> To encourage CDF funding through Members for those applicants who would not qualify for other sources of NCC funding – e.g. Local Communities Fund, COVID Partnership Recovery Fund and Community Hub Food Plan Fund.
4.	Payments to individuals – to continue to permit payments in circumstances where a demonstrable benefit to the wider local community can be evidenced, and with increased risk assurance measures introduced.	<ul style="list-style-type: none"> Payments to individual recipients do not meet all of the requirements and aims of the CDF Policy in terms of benefitting the wider community and ensuring publicity about the payment. By their very nature, such payments are also recognised as an area of potential fraud risk. Payments to individuals are also available through the Local Community Fund (including the Talented Athletes Programme element of that). However, it is recognised that in certain circumstances Members may still feel that a CDF payment is the most appropriate means of offering support to an individual. In making such payments Members need to be able to evidence that there would be a demonstrable wider benefit to the local community from this payment. This should be coupled with increased risk assurance (e.g. a requirement to provide receipts). Individuals could also be signposted to help and advice about how to formalise community groups, set up bank accounts etc when seeking funding for activities such as community events

	<u>Recommended Points of Principle</u>	<u>Reasons for the change</u>
5.	Payments to profit-making organisations, limited companies or organisations that receive statutory funding for that specific purpose (e.g. community schools and academies) to be permitted where a benefit to the wider local community, not just paying customers, can be evidenced or where the organisation's involvement is necessary to enable an application to be processed. As with payments to individuals increased risk assurance measures also to be introduced.	<ul style="list-style-type: none"> • To ensure that the aims of the CDF are more readily met. • Examples of appropriate types of such payments currently include payments to Via East Midlands to enable grit bins to be installed, payments to academies for activities open to pupils and/or the wider community. • Examples of applications where the benefits are less clear include funding for equipment for private day nurseries, funding of equipment or training for employees for private companies so that they can widen their offer to include specific disadvantaged groups.
6.	Payments to District and Borough Councils should only be permitted when that Council is acting as an accountable body for a community organisation or is offering its own services to enable an activity to take place (e.g. a venue hire to enable a free community event to be held).	<ul style="list-style-type: none"> • The increasing amount of payments to District and Borough Councils is not within the spirit and overall aim of the CDF scheme. • There are potential conflicts of interests for dual-hatted Members in making such payments. • The increased payments in this regard have led to a blurring of public perception about who is providing the activity/service etc, with the publicity requirements not always met within the spirit intended. • It is recognised that on occasions, payments to a District or Borough Council are a means of ensuring a community activity or event can take place and therefore it is proposed to retain the ability to make such payments on an exceptional basis.
7.	Payments to Parish Councils to continue to be permitted	<ul style="list-style-type: none"> • Parish Councils have far smaller budgets than District and Borough Councils and it feels that the existing level of payments is appropriate, proportionate and within the spirit of the CDF scheme. • There is also less potential for conflicts of interests and blurring of public perception.
8.	Payments to Third Parties to continue to be permitted but only in very limited circumstances.	<ul style="list-style-type: none"> • In very limited circumstances a contractor is paid directly for undertaking work for an activity/event etc being funded by CDF (e.g. an electrician installing a defibrillator) – for similar reasons such as the applicant does not have an appropriate bank account.
9.	<p>Minimum and Maximum thresholds to be set. Minimum amount to be increased from £50 to £100 per application (N.B. for multi-Member funded applications, Members could fund less than £100 each as long as the total application reaches the £100 threshold).</p> <p>Maximum limit of up to £1000 per application per Councillor to be introduced (N.B. for multi-</p>	<ul style="list-style-type: none"> • Increased minimum amount to ensure best value for money from the scheme and to ensure that the Council costs in arranging a payment do not equal or exceed the amount awarded. • To ensure Page 54 of 72 funding is as wide-reaching as possible

	<u>Recommended Points of Principle</u>	<u>Reasons for the change</u>
	Member applications, each Councillor could choose to fund up to £1,000 each).	
10.	Any total payments over £1,000 to an organisation in a single financial year, or any payments to help establish a new organisation, will trigger enhanced monitoring and auditing, to be automated via the electronic system if possible (N.B. may need to be a later development to the system)	<ul style="list-style-type: none"> • If this can be automated it may give further reassurance to Members that CDF funding is being used appropriately without impacting greatly on officer time, especially if the rules around more general donations and running cost are relaxed as proposed. • Funding towards the establishment of a new organisation is recognised as a potential risk area as it will not be possible for a Member to assess the background of that organisation, with no web presence etc (see point 12 below).
11.	Applications that have ongoing maintenance and /or cost implications for current and future years should not be funded unless agreement has been reached with a third party to take on responsibility for such maintenance and/ or any other costs or the relevant Member agrees to pick up the ongoing costs in future financial years through their CDF allocation.	<ul style="list-style-type: none"> • To ensure that funding of capital applications such as defibrillators, decorative planters, Christmas lights, grit bins does not leave the County Council open to criticism or liable for ongoing maintenance, costs or potential claims. • To ensure that Members are mindful of ongoing costs and maintenance when submitting relevant applications.
12.	Prior to submitting an application, Members undertake their own assurance checks, to consider an organisation's background and whether the CDF is the most appropriate source of NCC funding available.	<ul style="list-style-type: none"> • To ensure that any applications put forward are appropriate and that the CDF is the most relevant NCC funding stream.
13.	No funding to politically-affiliated activities, pressure groups or groups related to regulatory processes.	<ul style="list-style-type: none"> • This is to strengthen the existing restrictions that prevent funding being given to support any matter which is contrary to NCC policy or to oppose/support any proposal (including planning) which NCC has a legal obligation to determine.
14.	The notion of 'funding windows' to limit applications to specific periods in the year should not be pursued.	<ul style="list-style-type: none"> • Although there are potential benefits to such an approach to help spread the payments and resulting work more evenly through the financial year, it will reduce the current flexibility and speed to respond to changing circumstances which the current approach offers
15.	New Member-led, self-serve electronic system - order of the steps in the approval process (with initial test electronic form and system to be piloted by the members of the CDF Review Working Group)	<ul style="list-style-type: none"> • The proposed steps are as follows: <ul style="list-style-type: none"> i) Member holds initial discussions with applicant organisation (Members should be encouraged to underline that the application is not guaranteed to go ahead at that stage and will need to satisfy the requirements of the scheme). ii) Member makes application online – for joint applications there will need to be a lead Member making the application. As part of the electronic process Members will be asked to clarify how they have been made aware of the organisation / individual and the funding need and to confirm that they have undertaken their own initial assurance checks.

	<u>Recommended Points of Principle</u>	<u>Reasons for the change</u>
		<ul style="list-style-type: none"> iii) System ensures basic requirements of scheme are met and all relevant fields are completed iv) If a joint application, the other Members are automatically contacted to confirm their agreement v) The electronic form comes to Democratic Services to undertake a validity check, to include consideration of the background to the organisation and whether other, more appropriate sources of NCC funding are available. Meetings to undertake these checks will be arranged on a weekly basis, to maximise efficiency, utilising the electronic system and with resilience built into the process to ensure delays due to staff absence are avoided. vi) If, following further discussions with the relevant Member, the application is found to be outside of the remit of the CDF scheme, then the Member is informed and given reasons vii) If valid, the application is processed as currently with electronic confirmations and updates sent to the Member and applicant.
16.	<p>The monitoring of CDF payments by Governance and Ethics Committee to move from a six monthly to an annual cycle, with interim reports submitted in exceptional circumstances if issues come to light through the enhanced monitoring and risk assurance measures.</p>	<ul style="list-style-type: none"> • To enable better alignment with the annual audit undertaken by Democratic Services officers and to ensure that those officers have additional time to widen the scope of these audits to include trend information etc.

Revised Policy and Guidance on Councillor's Divisional Fund

This Policy was last revised in March 2022 for implementation from 1 April 2022.

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1. Background and Aims of the Scheme

a) The Councillor's Divisional Fund (CDF) is a Member-led scheme providing, a specific budget to enable each Member to, subject to compliance with the requirements of the scheme, fund proposals that actively support local communities in their electoral divisions, and assist the delivery of the strategic objectives of the Council.

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b) Each Member will be allocated up to £5,000 to spend within each financial year. Any funds remaining and unspent within this budget at the end of the financial year will be returned to corporate balances (any funding for proposals that did not go ahead in a previous financial year and which are returned after the financial year end will not be added to a Member's existing £5,000 budget for the current financial year).

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c) Members should advise applicants whether other funding streams are available through other sources, including the County Council, may be a more appropriate alternative to the CDF – e.g. the County Council's Local Communities Fund (including the Talented Athletes Programme). Where appropriate, applicants seeking funding should be signposted to such funding sources and also to advice and support to assist them in establishing and formalising community groups where relevant.

d) Applications will be processed through Democratic Services, who will also give advice on the operation of the fund and whether proposals meet the requirements of the scheme. A record of all expenditure under the scheme will be maintained and will be publicly available on the Council's website.

2. The Scheme

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a) The fund is designed to allow Members to offer financial support to organisations, charities and community groups within their division that actively support the community.

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Funding may also be provided to individuals where a Member is assured that CDF funding is the most appropriate means of providing financial support in the circumstances and that the funding will have a demonstrable benefit for the wider local community. Such funding will trigger additional monitoring and risk assurance measures with the applicant informed in advance of the necessary requirements.

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b) Proposals should be for one-off items of expenditure and not for anything which could create an on-going financial commitment, e.g. administrative support.

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c) General running costs (except for salaries and main office rents) of not-for-profit or community organisations and local charities can be funded. Funding

does not need to be earmarked for specific activities or events, as long as the Member is assured that the funding will be used for the benefit of the wider local community on activities that are in keeping with the Council's strategic objectives.

d) Funding is not available for general charitable donations.

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e) Funding cannot be given to any request which supports any matter which is contrary to County Council Policy. Additionally funding cannot be provided to oppose or support any proposal including planning proposals which the County Council has a legal obligation to determine or where the Council may provide formal views as part of a consultation process. Funding cannot be provided for activities which the Council considers to be politically affiliated, or relating to pressure groups or groups related to regulatory processes (e.g. a group or activity whose purpose is to support or oppose a particular viewpoint on a regulatory decision of local or national government or a governmental body).

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f) Any awards made should be in excess of £100.00 in order to ensure that the administration costs of arranging the payment do not exceed the payment itself.

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g) In order to help spread the available funding across the community, each individual payment by a Member shall not exceed £1000. Members can choose to fund the same organisation more than once in any financial year, although such payments should be limited to exceptional circumstances or to those bodies that are co-ordinating activities / funding or acting as accountable body for other community groups – e.g. Parish Councils, Community Voluntary Service branches

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h) Two or more Members may agree a joint proposal for the whole or part of their divisional budgets and the total amount received may therefore exceed £1,000 provided the proposals meet the requirements of the scheme.

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i) Any payments over £1000 (including joint payments and repeat payments) to any organisation in a single financial year will trigger additional monitoring and risk assurance measures with the applicant informed in advance of the necessary requirements.

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j) Any payments to help establish a new organisation will trigger additional monitoring and risk assurance measures, in recognition of the lack of historical information available for such organisations and the related increased risk.

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k) Payments to profit-making organisations or organisations that receive other forms of statutory funding for that specific purpose (for example, the provision of books for community schools and academies) are only permitted where the Member feels assured that the funding will have a benefit for the wider local community (not just paying customers) or where the organisation's involvement is necessary for an application to be processed. Funding arranged through the County Council's owned, part-owned or arms-length managed companies are permitted.

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¶ Any awards made should be in excess of £50.00 in order to ensure that the administration costs of arranging the payment do not exceed the payment itself....

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l) Payments to District and Borough Councils are not intended to supplement those Councils' own budgets and expenditure and are therefore only permitted where that Council is acting as an accountable body for an informal community group or is offering its own services to enable an activity to take place – e.g. venue hire to enable a free community event to be held.

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m) Payments to Parish and Town Councils are permitted.

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n) Applications that have ongoing maintenance and /or cost implications for current and future years should not be funded unless agreement has been reached with a third party to take on responsibility for such maintenance and/ or any other costs or the relevant Member guarantees to cover any ongoing costs in future financial years through their CDF allocation.

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o) Direct payments to third party contractors are only permitted in exceptional circumstances where the applicant does not have access to an appropriate bank account.

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3. Declarations of Interest

- a) The Council's Code of Conduct and the Nolan Principles and usual rules on declarations of interest apply to the CDF. Members must not place themselves in a position where their honesty and integrity may be questioned and should exercise their responsibility for the stewardship of the council's resources properly.
- b) If a Member has a private or pecuniary interest in a proposal it is essential that they declare it on the application form to ensure appropriate transparency. No funding will be given when a Member directly benefits financially from the award. If a pecuniary interest is declared advice from the Monitoring Officer must be sought before payment is made.

4. Administrative Procedures

- a) CDF applications must be made through the electronic system. Members need to ensure accuracy of information on all applications. Democratic Services and the relevant Members will be required to undertake appropriate checks to satisfy themselves that applications meet the requirements of the CDF scheme.
- b) Payments will be made by BACS transfer or internal transfer.
- c) If other County Council funding for the same project / activity has been applied for, agreed or previously provided, such details must be included on the application form. If other more relevant funding streams are available then the applicant should be signposted to these.
- d) Payment can be made towards projects / activity that are seeking match funding from more than one source. However if the project / activity is not

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able to progress due to the other sources of funding not being obtained, then the payee is required to notify the Council and the relevant Member within 30 days of the match funding decision, to arrange for the CDF payment to be reimbursed in accordance with para 4. e) below,

e) Funding must be returned promptly and in any event within 30 days of the notification to the Council that a project/activity will not be proceeding where it is unused by the applicant organisation (e.g. where the event or activity has been cancelled) and/or the project/activity cannot proceed due to lack of match funding. Where funding is returned in the same financial year as it was awarded the Member may still be able to access the funding for other applications provided they are made within the time limits set out in the Policy.

f)

g) Funding proposals/requests under the CDF scheme must demonstrate how the project meets the Council's Strategic Objectives.

h) A sample of applications annually will be the subject of an audit which will include ensuring that the monies provided have been spent in accordance with the application made. The type and number of applications to be audited will be agreed with the Chairman of Governance and Ethics Committee and the results of the audit reported to that Committee as part of the annual review of expenditure.

i) Reports on the use of the Divisional Fund will be brought to Governance and Ethics committee on an annual basis. Expenditure reports will be given to the Group Business Managers and non-aligned Members on a monthly basis.

5. Publicity

a) CDF funding is intended to have a direct benefit for the community. It is important that this is transparent and that the contribution made by the Council is recognised appropriately.

b) In order to ensure funding is recognised –

i) a list of awards made will be maintained on the Council's website

ii) reports on the use of the Divisional Fund will be brought on an annual basis to Governance and Ethics Committee.

c) In addition to this, the organisations in receipt of the award will be informed of the need to acknowledge the County Council's funding. This may include a notice stating the project was funded via the Divisional Fund, or acknowledged in the organisation's publications, annual reports or meeting minutes. Individual Councillors should not be named in any permanent notices or plaques. Advice on suitable publicity is available to Members from the Communications Team.

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6. Review

The Scheme will be kept under review as part of the annual report to Governance and Ethics Committee and in accordance with all Council policies.

7. End of financial year.

All applications for CDF funding in a non-election year must be submitted by the first Friday in March. Any applications received after this date will not be processed.

Members are encouraged to spread their applications across the financial year to prevent delays in payments in the run-up to the financial year end.

8. Pre-Election Periods

In the year of a Nottinghamshire County Council election, no requests for funding, payments or publicity relating to this scheme will be accepted, from the end of February until after polling day.

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Revised Policy and Guidance on Councillor's Divisional Fund

This Policy was last revised in March 2022 for implementation from 1 April 2022.

1. Background and Aims of the Scheme

- a) The Councillor's Divisional Fund (CDF) is a Member-led scheme providing a specific budget to enable each Member to, subject to compliance with the requirements of the scheme, fund proposals that actively support local communities in their electoral divisions and assist the delivery of the strategic objectives of the Council.
- b) Each Member will be allocated up to £5,000 to spend within each financial year. Any funds remaining and unspent within this budget at the end of the financial year will be returned to corporate balances (any funding for proposals that did not go ahead in a previous financial year and which are returned after the financial year end will not be added to a Member's existing £5,000 budget for the current financial year).
- c) Members should advise applicants whether other funding streams are available through other sources, including the County Council, may be a more appropriate alternative to the CDF – e.g. the County Council's Local Communities Fund (including the Talented Athletes Programme). Where appropriate, applicants seeking funding should be signposted to such funding sources and also to advice and support to assist them in establishing and formalising community groups where relevant.
- d) Applications will be processed through Democratic Services, who will also give advice on the operation of the fund and whether proposals meet the requirements of the scheme. A record of all expenditure under the scheme will be maintained and will be publicly available on the Council's website.

2. The Scheme

- a) The fund is designed to allow Members to offer financial support to organisations, charities and community groups within their division that actively support the community.

Funding may also be provided to individuals where a Member is assured that CDF funding is the most appropriate means of providing financial support in the circumstances and that the funding will have a demonstrable benefit for the wider local community. Such funding will trigger additional monitoring and risk assurance measures with the applicant informed in advance of the necessary requirements.

- b) Proposals should be for one-off items of expenditure and not for anything which could create an on-going financial commitment, e.g. administrative support.

- c) General running costs (except for salaries and main office rents) of not-for-profit or community organisations and local charities can be funded, Funding does not need to be earmarked for specific activities or events, as long as the Member is assured that the funding will be used for the benefit of the wider local community on activities that are in keeping with the Council's strategic objectives.
- d) Funding is not available for general charitable donations.
- e) Funding cannot be given to any request which supports any matter which is contrary to County Council Policy. Additionally funding cannot be provided to oppose or support any proposal including planning proposals which the County Council has a legal obligation to determine or where the Council may provide formal views as part of a consultation process. Funding cannot be provided for activities which the Council considers to be politically affiliated, or relating to pressure groups or groups related to regulatory processes (e.g. a group or activity whose purpose is to support or oppose a particular viewpoint on a regulatory decision of local or national government or a governmental body).
- f) Any awards made should be in excess of £100.00 in order to ensure that the administration costs of arranging the payment do not exceed the payment itself.
- g) In order to help spread the available funding across the community, each individual payment by a Member shall not exceed £1000. Members can choose to fund the same organisation more than once in any financial year, although such payments should be limited to exceptional circumstances or to those bodies that are co-ordinating activities / funding or acting as accountable body for other community groups – e.g. Parish Councils, Community Voluntary Service branches
- h) Two or more Members may agree a joint proposal for the whole or part of their divisional budgets and the total amount received may therefore exceed £1,000 provided the proposals meet the requirements of the scheme.
- i) Any payments over £1000 (including joint payments and repeat payments) to any organisation in a single financial year will trigger additional monitoring and risk assurance measures with the applicant informed in advance of the necessary requirements.
- j) Any payments to help establish a new organisation will trigger additional monitoring and risk assurance measures, in recognition of the lack of historical information available for such organisations and the related increased risk.
- k) Payments to profit-making organisations or organisations that receive other forms of statutory funding for that specific purpose (for example, the provision of books for community schools and academies) are only permitted where the Member feels assured that the funding will have a benefit for the wider local community (not just paying customers) or where the organisation's involvement

is necessary for an application to be processed. Funding arranged through the County Council's owned, part-owned or arms-length managed companies are permitted.

- l) Payments to District and Borough Councils are not intended to supplement those Councils' own budgets and expenditure and are therefore only permitted where that Council is acting as an accountable body for an informal community group or is offering its own services to enable an activity to take place – e.g. venue hire to enable a free community event to be held.
- m) Payments to Parish and Town Councils are permitted.
- n) Applications that have ongoing maintenance and /or cost implications for current and future years should not be funded unless agreement has been reached with a third party to take on responsibility for such maintenance and/ or any other costs or the relevant Member guarantees to cover any ongoing costs in future financial years through their CDF allocation.
- o) Direct payments to third party contractors are only permitted in exceptional circumstances where the applicant does not have access to an appropriate bank account.

3. Declarations of Interest

- a) The Council's Code of Conduct and the Nolan Principles and usual rules on declarations of interest apply to the CDF. Members must not place themselves in a position where their honesty and integrity may be questioned and should exercise their responsibility for the stewardship of the council's resources properly.
- b) If a Member has a private or pecuniary interest in a proposal it is essential that they declare it on the application form to ensure appropriate transparency. No funding will be given when a Member directly benefits financially from the award. If a pecuniary interest is declared advice from the Monitoring Officer must be sought before payment is made.

4. Administrative Procedures

- a) CDF applications must be made through the electronic system. Members need to ensure accuracy of information on all applications. Democratic Services and the relevant Members will be required to undertake appropriate checks to satisfy themselves that applications meet the requirements of the CDF scheme.
- b) Payments will be made by BACS transfer or internal transfer.
- c) If other County Council funding for the same project / activity has been applied for, agreed or previously provided, such details must be included on the application form. If other more relevant funding streams are available then the applicant should be signposted to these.

- d) Payment can be made towards projects / activity that are seeking match funding from more than one source. However if the project / activity is not able to progress due to the other sources of funding not being obtained, then the payee is required to notify the Council and the relevant Member within 30 days of the match funding decision, to arrange for the CDF payment to be reimbursed in accordance with para 4. e) below
- e) Funding must be returned promptly and in any event within 30 days of the notification to the Council that a project/activity will not be proceeding where it is unused by the applicant organisation (e.g. where the event or activity has been cancelled) and/or the project/activity cannot proceed due to lack of match funding. Where funding is returned in the same financial year as it was awarded the Member may still be able to access the funding for other applications provided they are made within the time limits set out in the Policy.
- f) Funding proposals/requests under the CDF scheme must demonstrate how the project meets the Council's Strategic Objectives.
- g) A sample of applications annually will be the subject of an audit which will include ensuring that the monies provided have been spent in accordance with the application made. The type and number of applications to be audited will be agreed with the Chairman of Governance and Ethics Committee and the results of the audit reported to that Committee as part of the annual review of expenditure.
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 - i) a list of awards made will be maintained on the Council's website
 - ii) reports on the use of the Divisional Fund will be brought on an annual basis to Governance and Ethics Committee.
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10 March 2022

Agenda Item: 10

REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND EMPLOYEES

WORK PROGRAMME

Purpose of the Report

1. To review the Committee's work programme for 2021-22.

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 items will be added to the programme as they are identified. The meeting dates and agenda items are subject to review in light of the ongoing COVID-19 period.
4. The work programme is currently being reviewed and a more comprehensive appendix will be prepared for the next meeting.

Other Options Considered

5. None

Reason/s for Recommendation/s

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

Statutory and Policy Implications

7. 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:

Jo Toomey, Advanced Democratic Services Officer / Keith Ford, Team Manager, Democratic Services

Tel. 0115 9774506 / 0115 9772590

E-mail: jo.toomey@nottsc.gov.uk / keith.ford@nottsc.gov.uk

Constitutional Comments (EH)

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

Financial Comments (NS)

9. 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 1 MARCH 2022)

Report Title	Brief Summary of agenda item	Lead Officer	Report Author
21 April 2022			
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	Marie Rowney
Governance and Ethics Committee annual report	To consider the draft annual report and recommend to full council for consideration	Rob Disney	Rob Disney
Statement of Accounts 2021-22 – Accounting Policies	To consider the annual review of the accounting policies	Nigel Stevenson	Glen Bicknell
Informing the Risk Assessment – 2021/22 Statement of Accounts	To consider the risk assessment	Nigel Stevenson	Glen Bicknell
External Audit – Annual Audit Report 2020-21	To consider the external auditor’s annual audit report for 2020/21	Nigel Stevenson	Glen Bicknell
Annual Governance Statement 2021-22	To consider the draft statement for 2021/22	Rob Disney	Simon Lacey
Whistleblowing Policy Review	To consider the outcome of the review	Marjorie Toward	Heather Dickinson / Catherine Haywood
9 June 2022			
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	Marie Rowney
Assurance Mapping 2021-22	To review the assurance provided from the map in 2021/22 and consider coverage for 2022/23	Rob Disney	Simon Lacey
Head of Internal Audit Annual Report 2021-22	To consider the Head of Internal Audit’s annual opinion of the arrangements for governance, risk management and control	Rob Disney	Rob Disney
External Audit Plan 2021/22	To consider the External Audit Plan for the forthcoming audit	Nigel Stevenson	Glen Bicknell
Update on the Use of the Councillor’s Divisional Fund	To consider six monthly update	Marjorie Toward	Keith Ford

Follow-up of Internal Audit recommendations – 6 monthly update	To consider an update on progress with implementing agreed actions from Internal Audit reports	Rob Disney	Simon Lacey
21 July 2022			
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	Marie Rowney
Annual Fraud Report 2020-21	To review the incidence of fraud over the year and an update on risks and mitigations	Rob Disney	Simon Lacey
Internal Audit Term 2 2022/23	To consider proposed audit coverage for Term 2	Rob Disney	Simon Lacey
Councillor Code of Conduct Review	To consider the findings of the working group	Marjorie Toward	Heather Dickinson
To be placed			
Complaints regarding Adult Social Care and Health	To receive an update from the Corporate Director for Adult Social Care and Public Health regarding complaints made relating to Adult Social Care and the actions being taken to address common causes of complaints. .	Melanie Brooks	Melanie Brooks