

Division: **ALL**

## **AUDIT AND GOVERNANCE COMMITTEE – 10 January 2024**

### **ANNUAL GOVERNANCE STATEMENT 2022/23 – UPDATE ON ACTIONS**

#### **Report by the Director of Law & Governance and Monitoring Officer**

#### **RECOMMENDATION**

1. **The Committee is RECOMMENDED to receive this update on the actions from the Annual Governance Statement 2022/23 and to make any comment upon them.**

#### **Executive summary**

2. On 19 July 2023, this Committee approved the Annual Governance Statement (AGS) for the year 2022/23. Local authorities are required to prepare an AGS to be transparent about their compliance with good governance principles and to give an opinion on the effectiveness of those arrangements. As part of the process, authorities are expected to highlight particular areas of focus for the year following.
3. The Director of Law & Governance and Monitoring Officer presented an update to Committee on 29 November 2023 on the thirteen areas of focus identified for 2023/24. This report to Committee is therefore a report on only those actions where an additional update is required.

#### **Annual Governance Statement actions for 2023/24**

4. The thirteen actions were:

<b>Service area</b>	<b>Action</b>
<b>1) Directorate Scheme of Delegation: Powers and Financial Powers</b>	To review and update all outwardly facing documentation, as well as review the location of information.

<p><b>2) Cherwell-Oxfordshire Decoupling Programme</b></p>	<p>Following Decoupling in 2022, Cherwell District Council and the Council agreed a way forward for continued provision of certain services between Cherwell District Council and the Council</p> <p>Where appropriate for each council, revised partnership arrangements will remain in-place within the framework of new agreements.</p>
<p><b>3) HR policies</b></p>	<p>To review and update the following:</p> <ul style="list-style-type: none"> <li>• Domestic abuse- supporting employees: policy and guidance (HR and Public Health)</li> <li>• Sickness/supporting attendance policy and process maps</li> <li>• Agile working policy</li> <li>• Additions to pay policy (to include honorariums, market supplements)</li> <li>• Capability policy and procedures</li> <li>• Disciplinary policy and procedures</li> </ul>
<p><b>4) Governance policies and procedures</b></p>	<p>To review and update the following:</p> <ul style="list-style-type: none"> <li>• Register of interests</li> <li>• Gifts and Hospitality</li> <li>• Member representation on Outside Bodies</li> <li>• Social Media for Members (as part of the Council's Main Social Media Policy)</li> <li>• Officer guidance on executive decision making and key decisions.</li> </ul>
<p><b>5) Constitution</b></p>	<p>Reconvene the Constitution Working Group and continue the review of the Council's Constitution.</p>
<p><b>6) Member training</b></p>	<p>To provide a further programme of Member training and briefings responding to the identified needs of Members.</p> <p>To act upon evaluation of Member feedback following training events.</p>
<p><b>7) Member and officer fiduciary responsibilities and accountability, and legal status in respect of outside bodies including</b></p>	<p>Review of member and officer fiduciary responsibilities and accountability, and legal status in respect of outside bodies including indemnities.</p>

<p><b>indemnities.</b></p>	
<p><b>8) Customer feedback</b></p>	<p>Customer feedback via corporate and statutory complaints and Freedom of Information requests in very important to Oxfordshire County Council.</p> <p>We will act to ensure that colleagues are fully aware of the importance placed upon responding in the appropriate timescales and that training, knowledge share and learning from customer feedback is promoted across the council.</p>
<p><b>9) Current culture of dealing with information requests and the expectations of the Information Commissioner's Office (ICO)</b></p>	<p>The Customer Feedback, and Governance Teams to review the joint working approach when dealing with requests for information under the Environmental Information Regulations (EIR), Freedom of Information Act (FOIA), and Subject Access Request (SAR) regimes. Teams to meet regularly to ensure the Council is working in accordance with the relevant legislation and to consult with the ICO during the year to assist with the monitoring of the Council's performance.</p>
<p><b>10)Recording of decisions</b></p>	<p>All key decisions and executive officer decisions are captured and recorded in a timely and transparent way.</p>
<p><b>11)Proactive training for Governance</b></p>	<p>Governance sessions to raise awareness and skills level within the organisation to be carried out by Head of Legal.</p>
<p><b>12)Review of the Annual Governance Statement process</b></p>	<p>Improved process for tracking governance concerns and completing the Annual Governance Statement.</p>
<p><b>13)Financial Management Strategy</b></p>	<p>The Financial Management Strategy is in development which will set out the improvements required to enhance financial management capabilities including financial management reporting structures and the development of business objects dashboard reporting.</p>

## UPDATES

### A Directorate Scheme of Delegation: Powers and Financial Powers

5. The updated Scheme of Delegation pages within the Constitution (7.1 and 7.2) were approved by Council on 16 May 2023 and will be published in the next Constitution update for the website.
6. Financial Powers: The Council's Finance Team are undertaking a complete update in relation to the financial scheme of delegation with the intention that going forward the schedule of authorised officers will be updated on a rolling basis rather than an annual update. The team are also working with the directorates to agree the principles of how their authorisations will work going forward and documenting directorate specific schemes of financial delegation (like a financial powers documents). This was a more significant piece of work than originally expected due to significant changes that have occurred in the organisation. As with the completion of the directorate delegated powers documents, completing the finance directorate schemes and schedules has been a time challenge.
7. Below are details of the intended outputs and our progress to date.

Output	Status	Notes	Target completion date	Revised dates
1) Update the schedules to the scheme of delegation	In progress	See details of progress below	Nov-23/Dec-23	Jan-24
2) Update the scheme of financial delegation, aligning with the updated Contract Procedure rules	In progress	Finance officers working with Governance and Legal to update the scheme	Jan-24	Jan -24
3) Update the S151 scheme of financial delegation	Completed and published		Nov-23	
4) Directorate Schemes of Financial Delegation	Part in progress	2 x sessions held with Children's, Education and Finance officers,	Dec-23	By 31 Mar-24

		review and sign off will be February following new Director review.		
		Other Directorates	By 31 Mar-24	
5) Update intranet pages	In progress	Draft pages edits – complete, pending sign off.  Draft IBC (internal system) guidance – complete, pending sign off.  Draft Financial Schedule update guidance, pending sign off.	Nov-23	Jan -24

8. Directorate schedules of authorised directorate officers, status is:

Directorate	Status	By when
Adults	Final draft with Director for sign off	12/1/24
Childrens	Social Care Draft and clarifications with Interim Director. Education draft to be completed	12/1/24
Environment and Place	Schedule updated to reflect recent restructure with Directorate, due to be reissued to Director	Complete
Property	Clarifications complete, final schedule to be submitted to Director	12/1/24
Resources	With Finance Business Partner/Director	12/1/24
Customer/Culture Law & Gov Public Health	Updated schedules pending	31/1/24

### **B Cherwell-Oxfordshire Decoupling Programme**

9. The documentation had been completed as of 14 December 2023.

### **C HR policies to be reviewed and updated for 2023/2024**

10. Agile working policy launched on 31 October 2023.

11. Domestic abuse policy and guidance now approved by unions, feedback/application in practice session with various council managers taking place in January 2024 before policy launch.
12. Sickness/supporting attendance policy has been approved by unions and is now awaiting sign off from the Council Management Team (CMT). Target date deferred to January 2024, with associated manager toolkits also due to launch by end of January 2024.
13. Additions to pay is under review. The HR Director will be taking a paper to CMT regarding market supplements.
14. The disciplinary and capability policies, and associated toolkits are due to commence development from January 2024; as such there is likely to be a delay to publication.

#### **D Governance policies and procedures**

15. Policies and procedures are due to be reviewed by 31 March 2024 to ensure that they comply with the law, promote best practice, are straightforward and are easy to use.

#### **E Constitution**

16. A further report to Council to recommend changes to the Council's Constitution to improve the effectiveness of the governance arrangements within the Council will be brought forward once the Constitution Working Group has undertaken its next tranche of work. The working group will resume in early 2024.

#### **F Member training**

17. An improved and responsive training programme reflecting the evolving requirements of elected Members will be in place by 31 March 2024.

#### **G Review of members' and officers' fiduciary responsibilities and accountability, and legal status in respect of outside bodies including indemnities**

18. It is important that the legal status of and responsibilities and accountabilities of Members are clearly understood in relation to outside bodies they are appointed to by the Council. This work is due to be undertaken in early 2024.

#### **H Review of customer feedback**

19. From April to November 2023 there has been a heightened level of engagement and communication about the complaints (statutory and corporate) process and the need to have an improved performance in terms of responsiveness and quality.
20. Actions included:

- a) A complaints (and FOI) report has been produced for each monthly Business Monitoring and Management Report (BMMR). This was reviewed, signed off and owned at Council Management Team (CMT) level. On a bi-monthly basis, the report is also taken to Cabinet.
  - b) On 5 July 2023, the Director for Customer Experience and Cultural services wrote to all Extended Leadership Team (ELT) colleagues requesting the cascade of the message to all colleagues to improve the current responsiveness rates; this was followed by articles in the Managers' Briefings and on the intranet.
  - c) On 30 July 2023, the Director for Customer Experience and Cultural Services wrote to all ELT colleagues asking for them to provide feedback on the draft revised complaints process.
  - d) In November 2023, the newly updated complaints policy was launched.
21. In addition, the Customer Feedback team have provided the following information:
- a) Stage 1 training has been provided for Children's Social Care. There were around 90 attendees, and a further session took place at the end of November for those staff unable to attend the original training.
  - b) The Customer Feedback Team is working closely with the Partnership Youth Development Manager to support stage 1 responses within the relevant timeframe.
  - c) Work is being undertaken with Head of The Multi-agency Safeguarding Hub (MASH)/front door to provide a face-to-face training session on the quality of responses. This training will be rolled out in early 2024 and will become mandatory in future.
  - d) The team have provided Statutory Stage 2 training to SEND colleagues to provide an overview of the process should any complaints become part of the statutory process.
  - e) The team have created guidance to support staff with writing responses until they are able to provide in-person training.

**I Review the current culture of dealing with information requests and the expectations of the Information Commissioner's Office (ICO)**

22. Six-monthly meetings have taken place with an ICO Case Worker to assist in the understanding of the Council's performance against other similar authorities. A further meeting with the ICO is scheduled to take place in January 2024.
23. The table below details the number of enquiries received from the ICO relating to complaints about the Council's handling of requests so far for 2023/2024. Data for the previous four years has also been included for comparison.

	<b>2023/2024 (as at 19/12/2023)</b>	<b>2022/ 2023</b>	<b>2021/ 2022</b>	<b>2020/ 2021</b>	<b>2019/ 2020</b>
Number of ICO enquiries received	17	13	1	1	0
Number of decision notices issued	5	3	1	0	0
Number of decision notices issued: Upheld	3	2	1	0	0
Number of decision notices issued: Partly Upheld	2	0	0	0	0
Number of decision notices issued: Not Upheld	0	1	0	0	0

24. Please note that the ICO's approach is to try and resolve informally rather than to take through the formal process and issue a decision notice; this is reflected in the above figures.

#### **J Recording of decisions**

25. A paper was taken to the Council Management Team (CMT) setting out the approach to key decisions and officer decision notices. This detailed the need for consistency in decision making and reminded colleagues of the importance of making and retaining records of officer decisions where such matters were not taken before a political decision maker. Internal communications regarding the approach to key decisions has been publicised and guidance added to the intranet. A similar exercise is now required for officer decision notices.

#### **K Proactive training for governance**

26. Following a review of the Governance policies, training will be put in place including raising awareness about the Council's whistleblowing process and amended policy.

#### **L Review of the Annual Governance Statement (AGS) process**

27. Complete. The Director of Law and Governance presented the AGS process to the Council Management Team (CMT) on 5 December 2023.

#### **M Financial Management Strategy**

28. The Financial Management Strategy action has been integrated into the Business Services Transformation Programme (BST). This new programme which is running for 12 months, until October 2024 is reviewing Financial Management, Procure to Pay and HR activities performed across the Council, focusing on improvements in three key themes; People Change (roles and responsibilities, training); Process Improvement; Data and Reporting.



29. A Programme Board headed by the Executive Director of Resources is established and this will report to the Strategic Transformation Board as a priority A programme. This programme of change will run for 12 months, ending 31 October 2024.

### **Financial implications**

30. There are no direct financial implications directly relating to, or arising from, the recommendation in this report.

### **Legal implications**

31. The Council has a legal duty to agree an Annual Governance Statement. This report does not itself raise legal implications but is an update on the actions arising from last year's AGS and is consistent with the responsibility of this Committee to ensure the effectiveness of the Council's governance.  
*Checked by: Anita Bradley, Director of Law and Governance*

### **Equality and inclusion implications**

32. The recommendations in this report do not themselves raise equality implications. However, the effectiveness and inclusivity of the Council's governance arrangements are integral to the effective running of the Council and of the outcomes for the community.

### **Anita Bradley**

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