



To: **Members of the Audit & Governance Committee**

***Notice of a Meeting of the Audit & Governance
Committee***

**Wednesday, 16 September 2020 at 1.00 pm
Held Virtually via MS Teams**

Please note that due to guidelines imposed on social distancing by the Government, the meeting will be held virtually.

If you wish to view proceedings please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

A handwritten signature in blue ink, appearing to read 'Yvonne Rees'.

Yvonne Rees
Chief Executive

September 2020

*Committee Officers: Lucy Tyrrell, Tel 07741 607824; E-mail:
lucy.tyrrell@oxfordshire.gov.uk*

Membership

Chairman – Councillor Nick Carter
Deputy Chairman - Councillor Tony Illott

Councillors

Paul Buckley
Dr Simon Clarke
Charles Mathew

D. McIlveen
Glynis Phillips
Roz Smith

Vacancy

Co-optee
Dr Geoff Jones

Notes:

- ***Private briefings with the Internal and External Auditors will take place virtually at 1.00 p.m. on the day of the Committee meeting.***
- ***There will be a pre-meeting held virtually on Monday 14 September 2020 at 11.15 a.m. for the Chairman, Deputy Chairman and Opposition Group Spokesman.***
- ***Date of next meeting: 11 November 2020***

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. Apologies for Absence and Temporary Appointments

2. Declaration of Interests - see guidance note

3. Minutes (Pages 1 - 8)

To approve the minutes of the meeting held on 22 July 2020 and to receive information arising from them.

4. Petitions and Public Address

This Cabinet meeting will be held virtually in order to conform with current guidelines regarding social distancing. Normally requests to speak at this public meeting are required by 9.00 a.m. on the day preceding the published date of the meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by no later than 9.00 a.m. four working days before the meeting i.e. 9.00 a.m. on 10 September 2020. Requests to speak should be sent to lucy.tyrrell@oxfordshire.gov.uk together with a written statement of your presentation to ensure that if the technology fails then your views can still be taken into account. A written copy of your statement can be provided no later than 9.00 a.m. 2 working days before the meeting.

Where a meeting is held virtually and the addressee is unable to participate virtually their written submission will be accepted.

Written submissions should be no longer than 1 A4 sheet.

5. Surveillance Commissioner's Inspection and Regulation of Investigatory Powers Act (Pages 9 - 22)

1.10 p.m.

Report by the Interim Monitoring Officer and Corporate Director Commercial Development, Assets and Investment

The Regulation of Investigatory Powers Act 2000 ('the Act') regulates the use of covert activities by Local Authorities. It creates the statutory framework by which covert surveillance activities may be lawfully undertaken. Special authorisation arrangements need to be put in place whenever a Local Authority considers commencing covert surveillance or considers obtaining information by the use of informants or officers acting in an undercover capacity.

Codes of Practice issued under the Act provide guidance to authorities on the use of the Act. The Code of Practice relating to covert surveillance specifies that elected

members should review the authority's use of the Act and set the policy at least once a year. They should also consider internal reports on the use of the Act periodically.

This paper provides an overview of the use of activities falling within the scope of the Regulation of Investigatory Powers Act 2000 by Oxfordshire County Council in the period from April 2019 to March 2020. The report also provides an overview of the authority's Policy and the full policy is provided as an annex for committee members to review.

The Committee is RECOMMENDED to:

- a) Consider and note the use of activities within the scope of the Regulation of Investigatory Powers Act by the Council, and***
- b) Note the Policy document at Annex 1 and to comment on any changes to the Policy for Compliance with the Regulation of Investigatory Powers Act 2000 that the committee would wish the Monitoring Officer to consider.***

6. Local Government Ombudsman's Review of Oxfordshire Council (Pages 23 - 44)

1.30 p.m.

Report by the Monitoring Officer.

Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Report about each council. This relates to the complaints made to the LGSCO about the Council in the previous financial year. This report updates the Committee on this area of governance for the year 2019/20.

While there were fewer complaints made to the LGSCO about this Council in 2019/20, the rate of cases upheld has increased on last year: 16 upheld instead of 9. This is an uphold rate of 76% of cases considered by the Ombudsman, compared to a national average of 66%.

On the positive side, 97% of the Council's complaints were resolved within our own procedures. In 13% of the cases upheld by the LGSCO, the Ombudsman found that the Council had already provided a satisfactory remedy before the complaint reached him. This compares to only 9% in similar authorities. The Ombudsman was pleased to note that in all cases, the Council had successfully implemented all the Ombudsman's recommendations.

This report explores these findings in more detail and sets them in the national context for county councils.

The Committee is RECOMMENDED to note and comment on this report and on the Local Government Ombudsman's Annual Review of Oxfordshire County Council for 2019/20

7. Monitoring Officer Annual Report (Pages 45 - 56)

2.00 p.m.

Report by Monitoring Officer

The Audit and Governance Committee is responsible for promoting standards of conduct for elected councillors and co-opted members and for ensuring the integrity of the democratic decision-making process. Consequently, the Monitoring Officer reports annually to this Committee on relevant actions and issues that have occurred in the previous year. This report therefore summarises certain activities for the year 2019/20.

The Committee is RECOMMENDED to consider and endorse the report.

15 MINUTE BREAK SCHEDULED

8. Counter-fraud Plan 2020/21 (Pages 57 - 66)

2.45 p.m.

Report by the Director of Finance

This report presents the Counter Fraud Strategy and Plan for 2020/21 and a review of activity from 2019/20.

The committee is RECOMMENDED to:

a) Note the summary of activity from 2019/20

b) Comment and note the Counter Fraud Strategy and Plan for 2020/21

9. Internal Audit Plan - Progress Report (Pages 67 - 76)

3.15 p.m.

Report by Director of Finance

This report presents the Internal Audit progress report for 2020/21.

The committee is RECOMMENDED to note the progress with the 20/21 Internal Audit Plan and the outcome of the completed audits.

10. Ernst & Young - 2019/20 Annual Audit Letter

3.45 p.m.

Representatives from Ernst & Young will attend to present a verbal report.

11. Audit Working Group Report (To Follow)

4.15pm

Report by the Director for Finance.

This report presents the matters considered by the Audit Working Group meeting of 9 September 2020.

The Committee is RECOMMENDED to note the report.

12. Carillion Update (Pages 77 - 78)

4.30 p.m.

Report by Director for Property, Investment and Facilities Management

To update A&G on the latest position and the agreed final settlement sum on all claims for this item.

13. Work Programme (Pages 79 - 80)

4.45 p.m.

To review the Committee's work programme.

Close of meeting

An explanation of abbreviations and acronyms is available on request from the Chief Internal Auditor.

AUDIT & GOVERNANCE COMMITTEE

MINUTES of the meeting held on Wednesday, 22 July 2020 commencing at 1.00 pm and finishing at 4.20 pm

Present:

Voting Members: Councillor Nick Carter – in the Chair

Councillor Tony Ilott (Deputy Chairman)
Councillor Paul Buckley
Councillor Dr Simon Clarke
Councillor Charles Mathew
Councillor D. McIlveen
Councillor Glynis Phillips
Councillor Roz Smith

Non-voting Members: Dr Geoff Jones

By Invitation: Adrian Balmer, Ernst & Young

Officers:

Whole of meeting Sarah Cox, Chief Internal Auditor; Steve Jordan, Corporate Director Commercial Development. Assets and Investment; Glenn Watson, Principal Governance Officer; Sukdave Ghuman, Head of Legal; Lorna Baxter, Director for Finance; Lucy Tyrrell, Committee Officer

Part of meeting

Agenda Item	Officer Attending
5 & 6	Hannah Doney, Head of Corporate Finance
7	Tim Chapple, Treasury Manager
10&11	Katherine Kitashima, Audit Manager

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with [a schedule of addenda tabled at the meeting][the following additional documents:] and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports [agenda, reports and schedule/additional documents], copies of which are attached to the signed Minutes.

23/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

There were no apologies for absence.

Cllr Jeanette Matelot advised she will continue to attend the Committee on a temporary basis.

24/20 DECLARATION OF INTERESTS - SEE GUIDANCE NOTE

(Agenda No. 2)

There were no declarations of interest.

25/20 MINUTES

(Agenda No. 3)

The minutes of 27 May 2020 were agreed.

Item 16/20 – The Oxford City Agency Agreement was due to be updated at the September AWG meeting, however this has now been pushed back to the October AWG meeting to allow for reports to be presented to Informal Cabinet before coming before the Committee.

Item 21/20 – Sarah Cox reassured the Committee of the continuing transformation items being part of the audit plan and brought to this Committee, and at the next Committee meeting, Wayne Welsby will update on the Provision Cycle. Cllr Carter advised that he is liaising with Cllr Brighthouse to ensure that any items requiring further discussion are picked up in either Committee.

26/20 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

None received.

27/20 STATEMENT OF ACCOUNTS 2019/20

(Agenda No. 5)

Hannah Doney introduced the report to the Committee and highlighted that further changes to the accounts are likely as part of ongoing discussions with the Auditors. This year, due to COVID-19, the Auditors have a greater focus on the going concern evaluation which requires them to look forward 12 months to check that the organisation has sufficient resources. The accounts have been completed on an ongoing concern basis, we will be working with the Auditors through this and we will be adding additional text to Note 1 of the accounts to be explicit as to why we are a going concern. The additional information will include:

- Actions being taken i.e. review of the budget to identifying potential savings to meet the funding gap identified for 2020/21.
- Additional information about the level of our reserves.

E&Y will take a consistent approach across all local government audits and will be evaluating their going concern opinion alongside other council audits.

Recommendation **d)** has been included to reflect the likelihood of changes to the Letters of Representation and Statement of Accounts because of ongoing audit work. Therefore, the Committee is asked to agree that the Director of Finance, in consultation with the Chairman of the Committee, can make any further changes to the Letters of Representation and Statement of Accounts that may arise during completion of the audit.

Lorna Baxter and Hannah Doney responded to points raised by members of the Committee as follows:

- The accounts will be signed off at the end of August / beginning of September, and this confirmation can be emailed for the Committee's attention.
- The Committee should request information regarding the auditor's comparative works across Councils directly from E&Y, however the expenditure related to covid-19 information will be reflected in the 2020/21 accounts.
- The earmarked reserves are for revenue and are broken down in Note 44. The grants and contributions reserve included grant funding received from government in March 2020 for use in 2020/21 which will be utilised against additional COVID expenditure. Other earmarked reserves could also be used if necessary.
- The position reflected in the accounts are at a point in time, and the council is working towards a position of revised budget, which will demonstrate a suitable position at the end of the year.
- The contingency budget for the current year (2020/21) is £4m and is changed annually in line with risks across the organisation. From the previous year (2019/20) we did not use all of our contingency budget. There was a planned contribution from balances of £6m. The underspend reduced the contribution to £3.8m. This is the movement on general balances set out in the accounts.

RESOLVED to:

- (a) Consider and approve the Statement of Accounts 2019/20 at Annex 1;**
- (b) Consider and approve the Letter of Representations 2019/20 for the Oxfordshire County Council accounts at Annex 3;**
- (c) Consider and approve the Letter of Representations 2019/20 for the Oxfordshire Pension Fund accounts at Annex 4;**
- (d) Agree that the Director of Finance, in consultation with the Chairman of the Committee (or Deputy Chairman in his absence), can make any further changes to the Statement of Accounts 2019/20 and letters of representation that may arise during completion of the audit.**

28/20 ERNST & YOUNG - FINAL ACCOUNTS AUDIT PROGRESS

(Agenda No. 6)

Adrian Balmer presented the report 'Oxfordshire County Council Draft Audit Report – Year ended 31 March 2020 and noted the following:

- Following guidance issued in March, risk assessments have been increased on valuations, our internal valuers have been instructed to review assets and advise of their opinion on material uncertainty. This work is ongoing.
- All of our valuers are RICS valuers or fellows of RICS, the valuations are worked through by the valuers and internal actuaries.

- There are increased challenges faced through virtual working, how evidence is reviewed and verified to ensure it is complete and accurate.

Adrian Balmer responded to member's questions as follows:

- Risk assessments have been amended to be mindful of COVID, no issues have been identified in the 2019/20 accounts but will be rather looking forward to the 2020/21 accounts.
- As the contract with Carillion is terminated, the legal position is not being reviewed, however depending on when the accounts are officially signed off, there could be post balance sheet adjustments to take account of.

Adrian Balmer also presented the report 'Oxfordshire Pension Fund 2020/21 Draft Audit Results Report and advised the key thing to note is around the working valuations. Fluctuations have been identified as a significant risk since COVID and some of these have increased. There are elements of property that have to be reflected and risk assessments updated.

Adrian Balmer responded to members questions as follows:

- OCC does not have a significant investment portfolio, and at £23 million there is no significant exposure, this is a positive and helps to give a more stable perspective than other authorities that have borrowed more extensively.
- The audit fees were agreed in 2016, however there is an acknowledgement that the pension fund with £2billion worth of assets is not commensurate with the amount of work undertaken. As the expectation from our regulators has increased since the base fees were agreed in 2016, the pressure on those fees has increased.

Members thanked Adrian Balmer for the reports and his presentation.

29/20 TREASURY MANAGEMENT OUTTURN 2019/20

(Agenda No. 7)

Tim Chapple introduced the report and highlighted that the prudent decisions made in 2020 to increase lending limits has enabled the Treasury Team to secure deposits in other authorities and has therefore secured budgets for 2020/21, and also some way toward 2021/22.

Tim Chapple responded to points raised by members of the Committee as follows:

- The terms of Section 114 preclude any new contractual arrangements and expenditure; however, this does not preclude paying debts. Therefore, Councils are not expected to 'go bust', they are forced into forming a new Council, and any debts and assets are transferred to the new entity so there is no risk to lost capital. There are no concerns regarding credit, however there are potential timing issues, and these are being monitored within the team.
- Any Council threatening a Section 114 notice would be a political decision to not lend to that council, however until they issue a Section 114 notice, we would take the view that they are underwritten by the government and there is no credit risk.
- For long term and short-term fixed term deposits, there is a hard limit for those deposits, and we have reached those limits for long term.

- Another option is lending to banks, however lending to other authorities is the preferred option.

Lorna Baxter reassured members that regardless of the extraordinary circumstances, there is no change to the rules and the government are under statute to underwrite these debts. The government is clear that authorities in exceptional circumstances such as those that have lost income, are working with them to avoid issuing Section 114 notices. She stated that OCC is confident that any returns will be issued, and these are a lower risk than lending to banks due the risks associated with bailing, and this information can be included in the next report to the Committee.

RESOLVED to note the report, and the RECOMMEND the Council to note the Council's Treasury Management Activity in 2019/20.

30/20 ANNUAL GOVERNANCE STATEMENT

(Agenda No. 8)

Glenn Watson introduced the report and noted that this is an update on actions listed as priorities for 2019/20. It has been reviewed by the Audit Working Group at their June meeting and actions taken from that have been reflected in this report as follows:

- The number of actions listed is not extensive and does not reflect the amount of work undertaken, however is there to give transparency to any new actions that are not visible.
- Increased milestones on these actions will reflect the work undertaken.

Officers responded to members queries as follows:

- The statement of opinion shows that the systems and governance framework are functioning well, that all key strands of work are included, and internal audit is effective. It also satisfies that the Audit & Governance Committee has the oversight required to operate effectively in order to undertake its delegated responsibility.
- There is no evidence of any systematic issues that would cause members to make ill-informed decisions from not receiving timely information, and scrutiny and this own Committee are effective at holding people to account.
- There are links between CGAG, CEDR and A&G, and the diagram represents the importance of key governance areas identified and monitored within these groups.
- The report demonstrates how we connect up CEDR etc in a more granular and involved format.
- Whilst CGAG is the lead body for actions identified for 2020/21, these are referred to this Committee in the first instance. Timescales can be shifted to ensure the Committee is given adequate time to review as this is not an action plan in itself, rather a description of works to be undertaken.
- Agendas for the coming year will be planned accordingly to ensure the Committee have full oversight of all actions recorded as governance issues.

RESOLVED to approve the Annual Governance Statement 2019/20, subject to the Monitoring Officer making any necessary amendments in the light of

comments by the Committee, after consultation with the Leader of the Council, the Chief Executive and the Section 151 Officer.

31/20 MODEL MEMBER CODE OF CONDUCT - CONSULTATION FROM THE LGA

(Agenda No. 9)

Glenn Watson introduced the report and highlighted that this is an opportunity to take part in a national debate following a call to do so from the Committee on Standards in Public Life.

Officers responded to member's concerns as follows:

- There have been increasing issues with some councils regarding social media, and the LGA are attempting to bring some consistency to members' behaviours. It is important to consider what standard Oxfordshire County Council wishes to set reputationally.
- There have been a small number of complaints received over the past couple of years, the Code will act as a reference point for the LA if a member has fallen short of the Code.
- The current Code of Conduct is an outline of what is required, and has functioned very well in the past, however updated Codes are reflecting the increase of legal input in cases raised, and an updated Code would offer assurances of any procedural issues that may arise.

Members were agreed on a small proportionate task and finish group set up and led by Glenn Watson. Due to the timescales involved it was agreed that the group would circulate the views of members of the Committee and feedback virtually via email.

RESOLVED to:

- (a) Consider the Local Government Association's potential Model Code of Member Conduct;**
- (b) Determine if the Committee wishes to respond to national consultation on behalf of the Council; and if so,**
- (c) Establish a cross-party task and finish group of the Committee to reply on behalf of the Council via the Monitoring Officer; and to,**
- (d) Ask the Monitoring Officer to liaise with his colleagues in Oxfordshire's District Councils, and with the Oxfordshire Association of Local Councils, to share any comments made in response to the consultation.**

32/20 INTERNAL AUDIT CHARTER

(Agenda No. 10)

Sarah Cox introduced the report which presents both the Internal Audit Charter and the Quality Assurance and Improvement Programme for 2020/21 which are subject to annual review.

Members advised they had had full sight of this report and were;

RESOLVED to:

- (a) Approve the Internal Audit Charter.**

(b) Note the Quality Assurance and Improvement Programme.

33/20 INTERNAL AUDIT UPDATE AND 20/21 PLAN

(Agenda No. 11)

Sarah Cox introduced the report which presents an Internal Audit update, including Internal Audit Plan for 2020/21 and responded to members queries as follows:

- You will see progress with numbers implemented at the next AWG meeting, and the main update for Childrens' Controcc Payments will be in October with Direct Payments in December.
- There is reassurance that these are being picked up and monitored by AWG.

RESOLVED to comment and noted the Internal Audit Plan for 2020/21.

34/20 AUDIT WORKING GROUP REPORT

(Agenda No. 12)

Sarah Cox presented the report. There were no comments or queries received from Members.

RESOLVED to note the report.

35/20 WORK PROGRAMME

(Agenda No. 13)

The Chairman expressed concerns regarding the updated position of negotiations with the Carillion contract, and stated that he had expressed a desire to have been kept informed of these. Lorna Baxter confirmed that developments have occurred only recently, and these can be communicated to the Committee at the next meeting.

The following changes/additions were agreed:

- 16 September – Carillion update
- 11 November – Provision Cycle
- 11 November – Financial Management Code

..... in the Chair

Date of signing

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Division(s): All

AUDIT & GOVERNANCE COMMITTEE – 16 SEPTEMBER 2020

REPORT ON THE AUTHORITY'S POLICY FOR COMPLIANCE WITH THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND USE OF ACTIVITIES WITHIN THE SCOPE OF THIS ACT

Report by the Monitoring Officer

RECOMMENDATION

- 1. The Committee is RECOMMENDED to:**
 - a) Consider and note the use of activities within the scope of the Regulation of Investigatory Powers Act by the Council, and**
 - b) Note the Policy document at Annex 1 and to comment on any changes to the Policy for Compliance with the Regulation of Investigatory Powers Act 2000 that the committee would wish the Monitoring Officer to consider.**

Executive Summary

2. The introduction of the Regulation of Investigatory Powers Act 2000 ('the Act') created a framework within which public bodies can lawfully carry out covert activities. Codes of Practice under the Act require that elected members review the Authority's use of activities within the scope of the Act periodically and review the Authority's Policy annually. This report provides a summary of the covert activities undertaken by the council between April 2019 and March 2020 for review by the committee. The report also provides the committee with an opportunity to review and comment on the council's Regulation of Investigatory Powers Act Policy.

Introduction

3. The Act regulates the use of covert activities by Local Authorities. It creates the statutory framework by which covert surveillance activities may be lawfully undertaken. Special authorisation arrangements need to be put in place whenever a Local Authority considers commencing covert surveillance or considers obtaining information by the use of informants or officers acting in an undercover capacity.
4. Codes of Practice under the Act require that elected members review the Authority's use of activities within the scope of the Act periodically and review the Authority's policy annually. This paper provides a summary of the activities undertaken by Oxfordshire County Council that fall within the scope of this Act for the period from April 2019 to August 2020. The Authority's Policy for Compliance with the Regulation of Investigatory Powers Act 2000 is attached in annex 1 for consideration.

5. As part of the legislative regime, the Office of Surveillance Commissioners carry out inspections from time to time to examine an authority's policies, procedures, operations and administration. Our last inspection was in May 2017. All actions to address the findings of the Commissioner's inspections have been completed and were included in the 2018 annual report to the committee on the use of activities within the scope of RIPA. A further inspection is now planned for September 2020 and the outcomes of that inspection will be reported in due course.

Use of the Act by Oxfordshire County Council

6. Between April 2019 and March 2020, the Council authorised covert surveillance on 7 occasions. This is the same number of authorisations for activities within the scope of the Act as were granted between April 2018 and March 2019. All of these authorisations related to trading standards investigations.
7. Of the authorisations for surveillance granted in the last year 4 related to investigations concerning the sale of illegal tobacco. Illegal tobacco refers to cigarettes, hand-rolling tobacco or other smoking products that have been smuggled into the UK without tax being paid on them, or which are counterfeit. They can be attractive to children and young people as they are often sold at "pocket money prices" by unscrupulous sellers. The importation, distribution and supply of illegal tobacco is often linked with other forms of criminality.
8. The County Council's Trading Standards team is working with retailers and partner organisations to raise awareness of the problem of illegal tobacco and carries out enforcement action when required. Investigations of suspected supplies of illegal tobacco normally involve a covert test purchase. The purpose of the test purchase is to obtain a sample of the product being sold in order to ascertain whether it is legal to sell in this country and to identify the persons involved in the sale. Covert test purchases also assist in identifying where stocks of the product are being stored since illegal tobacco is frequently hidden in or around the premises from which it is sold. Covert test purchases are undertaken only where there are grounds to suspect the person or business concerned is involved in the supply of illegal tobacco products.
9. Covert test purchases are an essential operational tactic in the efforts to tackle the sale of illegal tobacco. These test purchases must be authorised under the Act and require the careful consideration of whether the intrusion is necessary for the purpose of prevention and detection of crime and proportionate to the outcome being sought. In some cases 2 separate authorisations are required for the same operation; a covert human intelligence source authorisation to enable an officer to make contact with the seller of suspected unlawful products and arrange to purchase some of the products and a directed surveillance authorisation to enable officers to observe the purchase and corroborate the evidence gathered through this purchase.
10. Between April 2019 and March 2020, the 4 authorisations that were granted under RIPA for illegal tobacco sales related to 2 separate investigations. Legal

proceedings have commenced in relation to one investigation and the other matter is still under investigation. In total, 6 prosecutions for illegal tobacco sales were concluded during this period taking into consideration the outcomes of investigations commenced before the period of this report.

11. As a result of trading standards investigations into the supply of illegal tobacco, between April 2019 and March 2020 illegal products were seized from 16 premises (including 2 seizures from vehicles). In total, 22,700 individual cigarettes, 12,450grams of hand rolling tobacco and 57,420grams of shisha tobacco products were seized.
12. The other authorisations under the Act provided between April 2019 and March 2020 related to the legal controls on the sale of knives. Under the Criminal Justice Act 1988, it is an offence for any person to sell a knife or similar bladed instrument to a person under 18. Trading standards carries out test purchases in order to ascertain whether a person under 18 years of age could obtain a knife from a shop in Oxfordshire. Prior to any test purchase the business concerned will receive advice from trading standards.
13. In 2019/20 test purchases were carried out at 45 businesses in Oxfordshire. Of these, 8 businesses sold a knife to a person who was under 18 years of age. One prosecution resulted with Lewis Baker Retail Ltd pleading guilty to a single offence under S141A of the Criminal Justice Act 1988 at Oxford Magistrates' Court on Friday 24 July. The company was fined £750 and ordered to pay prosecution costs of £2,084 and a £75 victim surcharge.

RIPA Policy

14. The Council's RIPA Policy is included in Annex 1 of this report. This policy has been reviewed since the last report to the committee. Minor revisions have been made to reflect changes in personnel at the council. In addition, a new section has been added to the policy, at paragraph 6, relating to information security and retention. This section reminds officers of the importance of securely managing and disposing of any information gathered as a result of surveillance activities.
15. The Committee is asked to note the Policy and comment to the Monitoring Officer on any matters that they would like the Monitoring Officer to consider.

Magistrate's Oversight

16. From October 2012 the Protection of Freedoms Act 2012 required Judicial oversight of authorisations of covert surveillance activities. All authorisations for covert surveillance activities falling within the scope of the Act granted by local authorities now need Magistrate's approval before they take effect. All applications made to Magistrates between April 2019 and March 2020 were approved.

Conclusion

17. Use of activities that fall within the scope of the Act remains infrequent by this Council. However, trading standards operational activity to tackle the sale of illegal tobacco and to prevent the sale of age restricted products to persons under the minimum age limit requires the use of surveillance periodically. The outcomes of the surveillance and subsequent investigations into illegal activities show that the continued use of covert surveillance is necessary for the effective discharge of the council's statutory responsibilities and the delivery of operation plans to achieve priorities.

STEVE JORDEN

Interim Monitoring Officer and Corporate Director Commercial Development, Assets and Investment

Contact officer: Richard Webb, Assistant Director of Regulatory Service.
Tel: 01865 815791

**OXFORDSHIRE COUNTY COUNCIL AND CHERWELL DISTRICT COUNCIL
POLICY ON COMPLIANCE WITH THE
REGULATION OF INVESTIGATORY POWERS
ACT 2000 (RIPA)**

1. Introduction

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the use of covert surveillance activities by Local Authorities. Special authorisation arrangements need to be put in place whenever the Local Authority considers commencing a covert surveillance or obtaining information by the use of informants or officers acting in an undercover capacity.
- 1.2 The authorisation requirements under RIPA also apply to the use of social media sites for investigations or gathering evidence to assist in enforcement activities, as set out below:
- officers must not create a false identity in order to 'befriend' individuals on social networks without authorisation under RIPA.
 - officers viewing an individual's public profile on a social network should do so only to the minimum degree necessary and proportionate in order to obtain evidence to support or refute the suspicions or allegations under investigation.
 - repeated viewing of open profiles on social networks to gather evidence or to monitor an individual's status, must only take place once RIPA authorisation has been granted and approved by a Magistrate.
 - officers should be aware that it may not be possible to verify the accuracy of information on social networks and, if such information is to be used as evidence, take reasonable steps to ensure its validity.
- 1.3 Local Authorities do operate covert activities in a number of key areas. Activities can include covert surveillance in relation to Internal Audit and Human Resources where fraud, deception or gross misconduct by staff might be suspected. The legal requirements are supplemented by Codes of Practice issued by the Home Office for certain surveillance activities, (covert surveillance activity and covert human intelligence sources) breaches of which can be cited in Court as evidence of failure to abide by the requirements of RIPA. This may mean that the evidence obtained by that surveillance is excluded.
- 1.4 The Councils' policy is that specific authorisation is required for any covert surveillance investigation. There are only a small number of authorising Officers who can give this permission as set out in appendix 1 Before authorisation it will normally be necessary to consult with the relevant Deputy Director/Head of Service.
- 1.5 Before seeking authorisation you should discuss the matter with your Line Manager.

1.6 This Policy applies to all services in both Oxfordshire County Council and Cherwell District Council. Trading Standards who have their own specific internal Service procedures for dealing with authorisations and are exempt from the provisions of this policy concerning prior authorisation. Copies of all authorisations including those for Trading Standards will be forwarded to the Assistant Director Regulatory Services and Community Safety for retention in a central register.

2. Definitions

Surveillance – includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained.

Covert Surveillance – This is carried out to ensure the person who is the subject of the surveillance is unaware that it is or may be taking place. The provisions of RIPA apply to the following forms of covert surveillance:

a) Directed Surveillance – is covert but not intrusive, is undertaken for the purposes of a specific investigation which is likely to result in the obtaining of private information about a person (targeted or otherwise) e.g. checking staff are making claimed visits, time spent etc.

b) Intrusive Surveillance - Local authorities may not use hidden officers or concealed surveillance devices within a person's home or vehicle in order to directly observe that person.¹

c) Covert Human Intelligence Source (CHIS) – This is an undercover operation whereby an informant or undercover officer establishes or maintains some sort of relationship with the person in order to obtain private information e.g. test purchasing, telephone calls where the identity of the caller is withheld.

Assistant/Deputy Director/Head of Service – this also includes those authorised to act on behalf of the Assistant/Deputy Director/Head of Service as set out in clause 7.4.

3. RIPA Requirements

3.1 Directed surveillance only falls within the scope of the RIPA if it meets one of the following tests – criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

Directed surveillance that does not meet one of these tests will fall outside the scope of the RIPA. In this instance specific authorisation must be sought from the Corporate Director, Commercial Development Assets and Investment before the activity can take place.

¹ The Regulation of Investigatory Powers (Extension of Authorisation Provisions: Legal Consultations) Order 2010 [the 2010 Order] provides that directed surveillance carried out in certain premises (e.g. prisons, law firms, police stations) used for the purpose of legal consultations also amount to intrusive surveillance.

- 3.2 Basically directed surveillance must be authorised prior to it taking place, be subject to regular review and must be shown to be necessary and proportionate. RIPA does not enable a local authority to make any authorisations to carry out intrusive surveillance.
- 3.3 All non-intrusive covert surveillance and CHIS requires prior authorisation by the appropriate Local Authority Officer (as set out in this policy) before any surveillance activity takes place. The only exception to this is where covert surveillance is undertaken by way of an immediate response to events that means it was not foreseeable and not practical to obtain prior authorisation.
- 3.4 Judicial approval is also required before any internal authorisations given under RIPA take effect. Once internal authorisation has been granted a specific application to the Magistrates Court will be required.
- 3.5 A flow chart showing the authorisation procedures for covert surveillance and the relevant considerations at each stage is included in appendix 2 of this policy.
- 3.6 There is no direct sanction against Local Authorities within RIPA for failing to seek or obtain authorisation within the organisation for surveillance, nevertheless such activity by its nature is an interference of a person's right to a private and family life guaranteed under Article 8 of the European Convention on Human Rights. The Investigatory Powers Tribunal is able to investigate complaints from anyone who feels aggrieved by a public authority's exercise of its powers under RIPA.
- 3.7 The consequences of not obtaining authorisation and Judicial approval may mean that the action is unlawful by virtue of Section 6 of the Human Rights Act 1998 i.e. a failure by the Authority to conduct this work in accordance with human rights conventions. Obtaining authorisation will ensure the Local Authority's actions are carried out in accordance with the law and satisfy the stringent and necessary safeguards against abuse.

4. Grounds of Necessity

- 4.1 The authorisation by itself does not ensure lawfulness, as it is necessary also to demonstrate that the interference was justified as both necessary and proportionate. The statutory grounds of necessity must apply for the purposes of preventing or detecting crime or of preventing disorder.

5. Proportionality

- 5.1 Once a ground for necessity is demonstrated, the person granting the authorisation must also believe that the use of an intelligence source or surveillance is proportionate to what is aimed to be achieved by the conduct and use of that source or surveillance. This involves balancing the intrusive nature of the investigation or operation and the impact on the target or others who might be affected by it against the need for the information to be used in operational terms. Other less intrusive options should be considered and

evaluated. All RIPA investigations or operations are intrusive and should be carefully managed to meet the objective in question and must not be used in an arbitrary or unfair way.

5.2 Before authorising applications for directed surveillance, the authorising officer should also take into account the risk of obtaining private information about persons who are not subjects of the surveillance (collateral intrusion). Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. Measures should be taken wherever practicable to avoid unnecessary intrusion into the lives of those not directly connected with the operation. All applications should therefore include an assessment of the risk of collateral intrusion and details of any measures taken to limit this to enable the authorising officer fully to consider the proportionality of the proposed actions.

6. Information Security and Retention

6.1 It is essential that all information gathered through covert surveillance activities is stored securely, with access strictly restricted to those who require access, and disposed of securely when no longer required for the purpose for which the surveillance was undertaken. The arrangements for storing and disposing of the material gathered through the surveillance should be set out in the application.

6.2 The Assistant Director/Head of Service for the service area undertaking surveillance retains responsibility for secure storage and disposal of material gathered through surveillance activities. Care should be taken to limit the number of copies of the material, including when providing access to the material to other parties who require it (e.g. legal advisors) and to ensure all copies are disposed of in accordance with retention policies.

7. Confidential Material

7.1 Where an investigation may reveal sensitive and confidential material this requires special authorisation by the Chief Executive or his/her delegated Authorising Officer.

8. Implementation Procedure

8.1 Assistant/Deputy Directors/Heads of Service shall be responsible for seeking authorisation for surveillance. They have operational responsibility for ensuring compliance with the requirements of RIPA and Home Office Codes of Practice (Covert Surveillance/Covert Human Intelligence Services, which can be downloaded from the following link <https://www.gov.uk/government/collections/ripa-codes>) in relation to covert surveillance and covert human intelligence sources for their service.

8.2 All applications for authorisation and authorisations must be made in accordance with the procedure and on the appropriate forms: (download

forms from the following link:

<http://intranet.oxfordshire.gov.uk/cms/content/ripa-policy-surveillance>)

RIPA Form 1 – Authorisation Directed Surveillance

RIPA Form 2 – Review of a Directed Surveillance Authorisation

RIPA Form 3 – Renewal of a Directed Surveillance Authorisation

RIPA Form 4 – Cancellation of a Directed Surveillance Authorisation

RIPA Form 5 – Application for Authorisation of the conduct or use of a Covert Human Intelligence Source (CHIS)

RIPA Form 6 – Review of a Covert Human Intelligence Source (CHIS) Authorisation

RIPA Form 7 – Application for renewal of a Covert Human Intelligence Source (CHIS) Authorisation

RIPA Form 8 – Cancellation of an Authorisation for the use or conduct of a Covert Human Intelligence Source (CHIS)

RIPA Form 9 – Application request for Communications Data

RIPA Form 10 – Application for a Judicial Order

- 8.3 All requests for authorisation must be forwarded to the Corporate Director, Commercial Development Assets and Investment and Assistant Director of Regulatory Services and Community Safety (who will maintain a central record for inspection). The Corporate Director, Commercial Development Assets and Investment will monitor the central register periodically and produce an annual report to CEDR and Audit & Governance Committee. Renewal of authorisations will be for 3 months and cancellation² of authorisations should be requested as soon as possible i.e. as soon as the surveillance is no longer considered necessary.
- 8.4 After internal authorisation of an application, Judicial approval is required before the operation can commence. The applicant should liaise with the councils' Legal Service for advice and assistance in making this application for Judicial approval (other than Trading Standards applications which are managed within the service). Judicial approval is required for the renewal of an authorisation but it is not required for any internal review or cancellation.
- 8.5 The Authorising Officers may authorise a person to act in their absence, the substitute will be a Senior Manager and who will have overall management responsibility for the operation/investigation. A list of all current named Authorising Officers and named substitutes will be included in the central register and appended to this Policy (Appendix 1). The Corporate Director, Commercial Development Assets and Investment will approve all proposed Authorising Officers for inclusion in a central register. The annual report to CEDR and Audit & Governance Committee will also include a review of the appropriate designated Authorising Officers.
- 8.6 All Managers have responsibility for ensuring that they have sufficient understanding to recognise when an investigation or operation falls within the

² All cancellations must be made in compliance with OSC guidance note 145; Office of the Surveillance Commissioner – Procedures and Guidance

requirements of RIPA. Authorising Officers will keep up to date with developments in the law and best practice relating to RIPA.

8.7 Authorising Officers must ensure full compliance with the RIPA Authorisation Procedure set out in the appropriate forms in 7.2 above.

8.8 Authorising Officers and Assistant/Deputy Directors/Heads of Service will cooperate fully with any inspection arranged by the Investigatory Powers Commissioner's Office.

8.9 RIPA Coordinator (Assistant Director; Regulatory Services and Community Safety):

The role of the RIPA coordinator is to have day-to-day oversight of all RIPA authorisations and maintain a central register of all authorisations, review dates, cancellations and renewals.

All forms should be passed through the coordinator to ensure that there is a complete record of all authorisations, contents of the forms will be monitored to ensure they are correctly filled in and the coordinator will supply quarterly statistics to the Senior Responsible Officer (Corporate Director, Commercial Development Assets and Investment /Monitoring Officer).

The Coordinator will also monitor training requirements and organise training for new staff as appropriate, and ensure continued awareness of RIPA throughout the council via staff information on the Council's Intranet.

9. Communications Data

9.1 The Investigatory Powers Act 2016 (IPA) sets out the requirements for access to communications data and information. The Council can access certain communications data only "for the purpose of preventing or detecting crime or of preventing disorder". The exception to this is for the Fire Control Officer in an emergency for the purposes of preventing death or injury. Despite what some commentators claim the Council does not have an automatic legal right to intercept (i.e. "bug") phones or listen into other people's telephone conversations. The primary power the Council has is to obtain certain details (e.g. name and address) of a telephone subscriber from communication service providers (CSP) such as: BT, Vodafone, Orange etc. Monitoring of calls may be necessary for legitimate employment purposes but will be subject to the same authorisation requirements as set out in this policy.

9.2 The applications to obtain communications data, other than for the prevention of death or injury as in 8.1 above, must be made by a Home Office designated "Single Point of Contact (SPOC)". Arrangements are in place to enable the authority to access communications data via a third party "SPOC". Requests must be forwarded to the Assistant Director, Regulatory Services and Community Safety who will consult with the relevant Assistant/Deputy Director/Head of Service. If the Assistant Director, Regulatory Services and Community Safety agrees the request is within the scope of the IPA he will make arrangements for the request to be processed via the SPOC.

9.3 The concept of the “SPOC” has been agreed between the Home Office and the CSP and introduces a verification process to ensure that only data entitled to be obtained is so obtained. Judicial approval of the application is required and the SPOC will not obtain any communications data without evidence of judicial approval.

10. Briefings

10.1 The Corporate Director, Commercial Development Assets and Investment will provide updates on the RIPA legislation and best practice but Assistant/Deputy Directors/Heads of Service and other Managers must be able to recognise potential RIPA situations.

11. Conclusion

11.1 The benefit of having a clear and regulated system of authorising all covert activities is self-evident. Surveillance by its very nature is intrusive and therefore should be subject to appropriate scrutiny at the highest level and the authorisation procedure requires that the reasons for the decision are specifically and clearly set out and the basis for the decision is readily accessible and understood. Completion of appropriate authorisations also means that in reaching a decision alternative options will also have been fully explored. Proper compliance with the procedure and properly recorded authorisations are the best defence should any of our investigations be challenged.

12. Review of Authorisations and Policy

12.1 The Councils’ “Audit and Governance Committee” will review:

- all authorised RIPA applications on a regular basis; and
- an annual report from the Corporate Director, Commercial Development Assets and Investment on the operation of the Policy; and
- the policy annually to ensure it remains compliant with current legislation, relevant codes of practice and continue to meet the responsibilities of the council.

Senior Responsible Officer: Corporate Director, Commercial Development Assets and Investment and Monitoring Officer

RIPA Coordinator: Assistant Director, Regulatory Services and Community Safety

Date: August 2020

Next Review Date: August 2021

Appendix 1 – Authorising Officers and Named Substitutes

Authorising Officer – Steve Jorden, Corporate Director, Commercial Development Assets and Investment and Interim Monitoring Officer
(Named substitute - Glenn Watson, Principal Governance Officer)

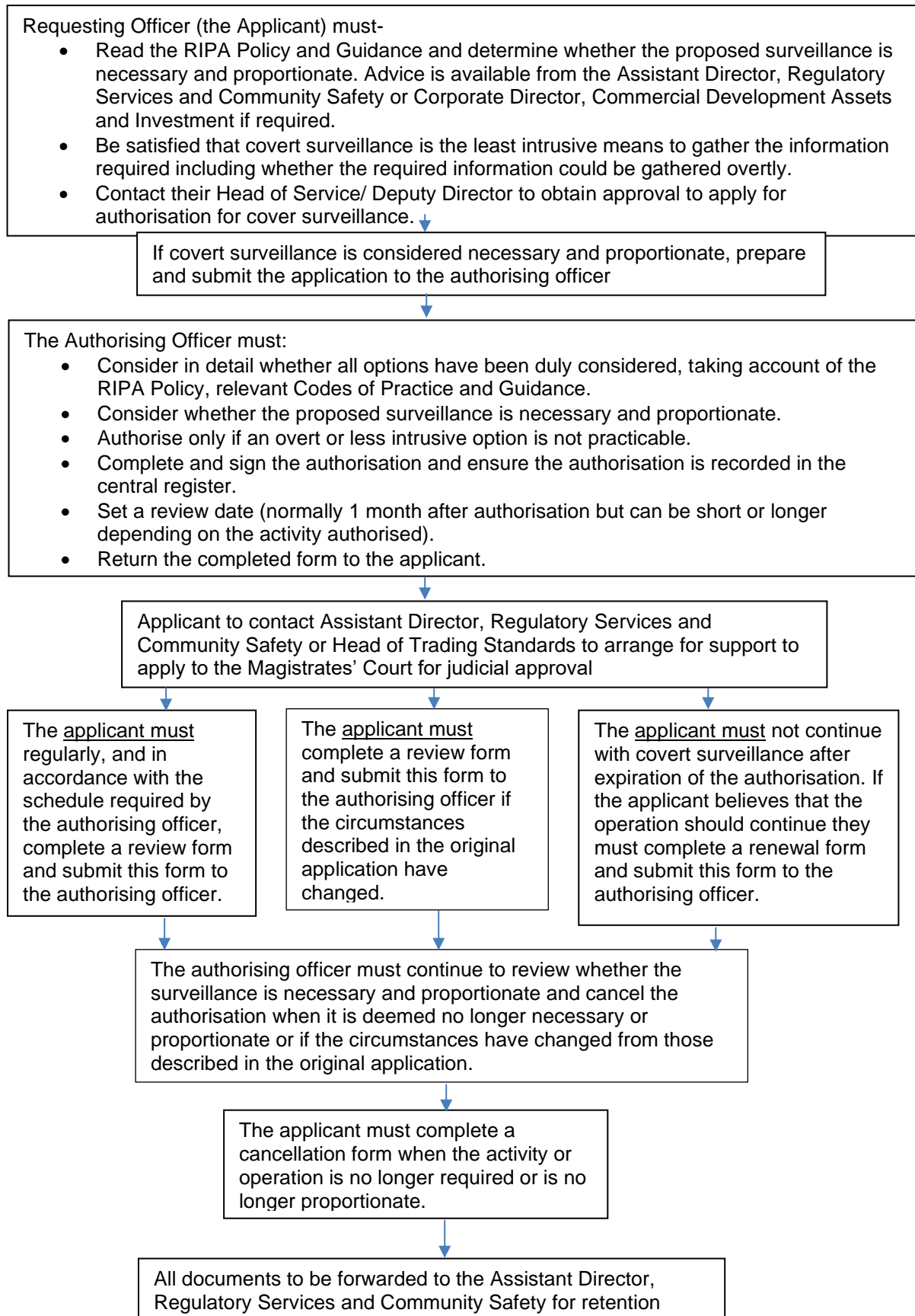
Authorising Officer – Richard Webb, Assistant Director, Regulatory Services and Community Safety
(Named substitute - Jody Kerman, Head of Trading Standards)

Authorising Officer and Named Substitute – Lorna Baxter Director of Finance and S151 Officer

Confidential Material Special Authorisation – Yvonne Rees, Chief Executive**

**Named Substitute – Lorna Baxter, Director of Finance and S151 Officer

Appendix 2- Flow Chart of Authorisation Procedures and Considerations for Covert Surveillance



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Division(s):

AUDIT & GOVERNANCE COMMITTEE

16 SEPTEMBER 2020

LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW REPORT

Report by Steve Jorden, Monitoring Officer

RECOMMENDATION

- 1. The Committee is RECOMMENDED to note and comment on this report and on the Local Government Ombudsman’s Annual Review of Oxfordshire County Council for 2019/20**

Introduction

2. Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Report about each council. This relates to the complaints made to the LGSCO about the Council in the previous financial year. My report updates the Committee on this area of governance for the year 2019/20.
3. While there were fewer complaints made to the LGSCO about this Council in 2019/20, the rate of cases upheld has increased on last year: 16 upheld instead of 9. This is an uphold rate of 76% of cases considered by the Ombudsman, compared to a national average of 66%.
4. On the positive side, 97% of the Council’s complaints were resolved within our own procedures. In 13% of the cases upheld by the LGSCO, the Ombudsman found that the Council had already provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to only 9% in similar authorities. The Ombudsman was pleased to note that in all cases, the Council had successfully implemented all the Ombudsman’s recommendations.
5. This report explores these findings in more detail and sets them in the national context for county councils.

Purpose of the Ombudsman’s Annual Letter

6. Under the Local Government Act 1974, the LGO has two main statutory functions:
 - To investigate complaints against councils (and some other authorities)

- To provide advice and guidance on good administrative practice
7. The Ombudsman records the following categories of information – which can be found contained within the Annual Review Letter.
- Complaints and enquiries received - by subject area
 - Decisions made (upheld, not upheld, advice given, closed after initial enquiries, incomplete/invalid and premature)
8. The purpose of the Annual Letter is to reflect to councils the number and nature of the Ombudsman’s dealings with complaints about that authority. The Annual Letter is at Annex 1.

Summary of Complaints and enquiries received by the LGSCO

9. The Ombudsman records the subjects of county council complaints as follows – with Oxfordshire CC’s numbers for 2019/20. For county councils, adult and children’s social care are the services most complained about nationally.
- Adult care services- 24
 - Education and children’s services- 29
 - Highways and transport- 2
 - Corporate and other services- 2
 - Environment services-
 - Planning and development- 1
 - Other 1

Decisions made by LGO

10. During the reporting period, the LGO made **59 decisions** concerning the Council (2 higher than the previous year). Of these:

Closed by LGSCO, not pursued	12	20%
Referred to Oxon CC for resolution	23	39%
Incomplete or invalid complaints	2	3%
Offered advice by LGSCO as previously considered	1	2%
<i>Investigated</i>	21	36%

11. This means that **Investigations** were carried out on 21 complaints, 3 more than in 2018/19. The LGO’s report indicates that:

Not upheld	5	24%
Upheld	16	76%

12. This uphold rate is 26% higher than the previous year. The cases upheld are summarised below in **Annex 2**

Context

13. The Council received **532** complaints during 2019/20. These are broken down as follows, set against the numbers for recent years.

Type	2019/20	2018/19	2017/18
Corporate (i.e. non-social care)	273	380	244
Adults Social Care	119	165	169
Children's Social Care	140	135	107
	532	680	520

Summary of upheld cases

14. The LGSCO upheld 16 cases. It's important to note that in certain cases, the LGSCO was only endorsing the Council's own internal 'upheld' findings. The Annual Letter notes: "We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right."
15. In those cases, the LGSCO endorsed action already identified by the Council in the pre-Ombudsman consideration of the complaint. This is a positive comment on the sufficiency of the Council's own complaints processes, in those instances.
16. The ***upheld complaints*** are listed in **Annex 2**. All the remedies have been implemented. Three complaints related to the same instance, an alleged failure to measure distance properly in the **school transport** arrangements re: Middle Barton. Two related specifically to Education, Health and Care Plans.
17. The complaint at item 4 in Annex 2 was the subject of a Public Report during 2019/20 This was duly [considered by Cabinet](#), and the outcomes [reported to the Education Scrutiny Committee](#), as required by the Ombudsman. Mr and Mrs X had complained to the Council delayed in providing their child, D, with a suitable education when she was not able to attend school for medical reasons. This caused the family significant distress and D missed out on education for 14 months. The council has agreed to take action which the LGO regards as providing a satisfactory remedy for the complaint. However, the nature of the issue was such that the Ombudsman exercised the powers to require consideration of the issue formally by the Council.

Exempt Information

18. None.

Conclusion

19. The Council's complaints processes continue to be effective and robust in signposting persons to the next internal stages and to the Ombudsman. As the Ombudsman notes, numbers of complaints in themselves are not problematic, as these can be signs of openness about rights of redress. I am also conscious that three upheld cases related to the same issue, and that in some cases the Ombudsman was agreeing with the Council's own 'upheld' findings: our proactive approach to offering redress was welcomed.
20. In recent years, among county councils, Oxfordshire has been among the very lowest for complaints upheld by the Ombudsman. In 2019/20, 97% of our complaints were resolved within current procedures, without Ombudsman involvement, while 3% of our complaints were upheld by him. Our aspiration should be to ensure that people are satisfied with the Council's replies and that where the Ombudsman does become involved, there is no finding that the Council could not have found for itself.
21. Accordingly, while the sufficiency and availability of our processes is clear, we can do better during 2020/21. Actions being taken to ensure this include:
- a. greater visibility for the Council's senior management team on issues, outcomes and learning;
 - b. refreshed training on best practice complaints-handling for staff and managers investigating complaints;
 - c. rigorous intervention, as appropriate, from the Monitoring Officer's staff and senior managers during the life of a complaint and during any Ombudsman investigation.
22. 2020/21 will itself be an unusual year due to COVID-19. The Ombudsman issued specific guidance at the outset of the pandemic suspending its own investigations and expressing support for authorities necessarily involved in meeting the demands of the virus. However, the Council was still able to work on several cases, despite these demands, and is currently meeting the re-start of cases as the Ombudsman begins to release them.

Legal, financial and staffing implications

23. None.

STEVE JORDEN
Monitoring Officer

Contact Officer: Glenn Watson, Principal Governance Officer
Tel No: 07776 997946

September 2020

Annex 2 – Cases Upheld by the Local Government and Social Care Ombudsman

	Nature of decision	Remedy
1	<p><u>Summary:</u></p> <p>Complaint that the Council failed to provide adequate support to complainant's adult child; in the management of her direct payments; and in the provision of proper payment for care.</p>	<p>Financial redress: Avoidable distress/time and trouble, training and guidance</p> <p>To remind staff of the need to ensure suitable arrangements are in place to manage direct payments when it agrees to pay a family member under an 'exceptional circumstances agreement'.</p>
2	<p><u>Summary:</u></p> <p>Complaint regarding</p> <p>a) a delay in carrying out an Education Health and Care (EHC) assessment, identifying a special school placement and issuing a final EHC Plan for her son;</p> <p>b) failure to ensure the son received suitable education in the meantime;</p> <p>c) failure to put in place the support set out in the EHC Plan;</p> <p>d) failure to communicate with the complainant properly.</p>	<p>Apology, financial redress, loss of service, provide information/advice</p> <p>The Council to remind relevant officers that the legal duty to ensure provision in an Education Health and Care Plan is arranged rests with the Council, not the child's school.</p>
3	<p><u>Summary:</u></p> <p>The Council has failed to address continued problems with the only lift in the care home (in which the complainant's wife lived).</p>	<p>Financial redress; avoidable distress/time and trouble; procedure or policy change/review</p> <p>Require the care provider to have in place a contingency plan to cover any situation where a new lift fails.</p>
4	<p><u>Summary:</u></p>	

	Nature of decision	Remedy
	<p>Complaint that the Council:</p> <p>a) failed in its statutory duty to arrange suitable education for their child after she stopped attending school;</p> <p>b) did not act in line with statutory guidance when it insisted that the child must be on a school roll before they could access the local hospital school;</p> <p>c) delayed in making a referral to the Secretary of State when the Fair Access Panel could not identify a school;</p> <p>d) failed to communicate with them in an effective or timely matter.</p>	<p>Financial redress: loss of service, apology. Financial redress: avoidable distress/time and trouble; Provide services.</p> <p>The Council to carry out an audit of children missing from education from September 2016 to December 2018 for whom it has a statutory duty to provide suitable full-time education. Identifying:</p> <ul style="list-style-type: none"> • the number of children brought to its attention by schools/academies as missing education; • the outcome for each child in terms of provision of education. <p>This to include the amount of time each child was out of school and the level of alternative education they received etc.</p> <p>The Council to submit the findings of the audit to the relevant Children’s or Education Scrutiny Committee together with advice about whether the Council is complying with its statutory duties and has made the service changes found in our previous investigation.</p> <p>The Council to provide evidence to the LGSCO that the audit has been completed.</p> <p>NB This case formed a ‘public report’ to Cabinet.</p>
5	<p><u>Summary:</u></p> <p>The Council:</p> <ul style="list-style-type: none"> • Failed to provide suitable alternative education for the complainant's child when reduced school attendance due to health issues; • Failed to complete a timely review of the Education, Health and Care plan, when it was clear the identified provision was not 	<p>Apology, Financial redress: Avoidable distress/time and trouble. Financial redress: Loss of service. Procedure or policy change/review. Provide training and/or guidance</p> <p>The Council to remind its staff of the importance of keeping proper and appropriate records of meetings. The Council to provide evidence of how it</p>

	Nature of decision	Remedy
	<p>meeting his needs;</p> <ul style="list-style-type: none"> • Did not provide alternative educational provision whilst her child was unable to attend school due to health issues • Delayed in drafting and issuing the amended Education, Health and Care plan following the EHCP review meeting . 	<p>has reviewed its procedures related to timely review of the support it provides to children with reduced school attendance. Also, to consider if any further procedural changes are needed to prevent a recurrence of the identified faults.</p>
6	<p><u>Summary:</u></p> <p>Failed to complete care assessment and failure to install soundproofing</p>	<p>Maladministration, no injustice caused.</p>
7	<p><u>Summary:</u></p> <p>Complaint that Council failed to follow the correct procedures when it removed two foster children from the complainant's care.</p>	<p>Procedure or policy change/review.</p> <p>Other Remedy: the Council agreed to review its policies and procedures to ensure it acts in line with legislation and guidance when removing foster children from placements</p>
8	<p><u>Summary:</u></p> <p>Complaint about the way the Council considered the complainant's application for a blue badge in September 2018.</p>	<p>Maladministration, no injustice.</p> <p>Apology. Procedure or policy change/review. The Council to review its processes to ensure that it provides reasons for refusing a blue badge.</p>
9	<p><u>Summary:</u></p> <p>The Council had investigated the complainant's complaint through the statutory children's complaints procedure. Fault was identified at stage two and three, and recommendations made. The Council offered £200 to recognise the additional distress caused by the faults identified. The</p>	<p>Financial redress: Avoidable distress/time and trouble.</p>

	Nature of decision	Remedy
	complainant complained to the LGSCO that this offer was not representative of the injustice caused. The complainant also complained the Council's policy for providing post-operative care is vague and unfair.	
10	<p><u>Summary:</u></p> <p>The Council has failed to provide home to school transport for a child whose school is named in an Education, Health and Care Plan.</p>	<p>Apology. Financial Redress: quantifiable loss. Provide services. Procedure or policy change/review.</p>
11	<p><u>Summary:</u></p> <p>Health Practice discontinued the complainant's husband's medication despite him requiring this long-term.</p> <p>The Trust failed to inform the care home, and the Practice, that the complainants medical condition needed to be monitored and that he required ongoing treatment following a hospital admission.</p> <p>The care home failed to maintain charts for the complainant's husband and did not monitor his condition appropriately.</p> <p>These failings contributed to the complainant's husband's death.</p>	<p>Apology. Financial redress: avoidable distress/time and trouble. Procedure or policy change/review.</p> <p>Council to write to the Ombudsmen to explain what action the care home will take to ensure resident care plans are robust, person-centred and in keeping with CQC Care Regulation.</p> <p>The Council to explain how:</p> <ul style="list-style-type: none"> • the care home will monitor and audit resident care plans on an ongoing basis • how the care home will ensure relevant staff are appropriately trained in the completion of assessments and plans. • what action the care home will take to ensure it provides nutritional and fluid care that is in keeping with CQC Care Regulations. • what action the care home will take to ensure it has a robust records retention policy in place and that staff are appropriately trained in the use of this policy.
12	<u>Summary:</u>	

	Nature of decision	Remedy
	Complaint about the Council's handling of the complainant's brother's discharge from hospital . He also complains about the Council's handling of his complaint.	Maladministration and injustice. No further action as already remedied.
13	<u>Summary:</u> Complaint about the care provided to the complainant's late father at a Care home . The Care home commissioned by the Council, failed to properly assess a new resident to the care home, and to manage the risk posed by the resident, who pushed her father over, leading to a broken hip which led to his death	Maladministration and injustice. No further action as already remedied.
14	<u>Summary:</u> Complaint about school transport in Middle Barton and how distance was measured	Maladministration, no injustice caused.
15	<u>Summary:</u> Complaint about school transport in Middle Barton and how distance was measured	Maladministration, no injustice caused.
16	<u>Summary:</u> Complaint about school transport in Middle Barton and how distance was measured	Maladministration, no injustice caused.

NB Grey denotes instances where the LGSCO recognised the Council had already resolved the matter.

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22 July 2020

By email

Ms Rees
Chief Executive
Oxfordshire County Council

Dear Ms Rees

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things

right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

This year, I issued a public report about your Council and its failure to provide a suitable education to a young person unable to attend school for medical reasons. The investigation found the Council failed to act in line with legislation, preventing the young person from accessing the hospital school. It also failed to find an alternative suitable school, despite considering the case at three Fair Access Protocol meetings. The report was issued after a similar case investigated by this office indicated other families may also have been affected by the fault. I asked the Council to apologise to the family and make a payment to them. I also asked it to carry out an audit to identify other young people who had missed out on education for similar reasons and to present the findings to a Council committee. I welcome the Council's willingness to accept it was at fault and am pleased to report the Council has acted on all the recommendations to prevent the fault happening again.

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

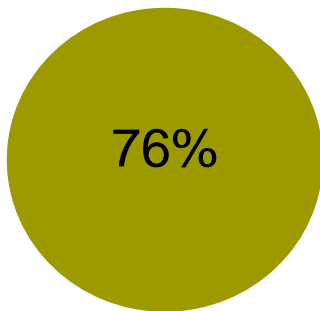
We were pleased to deliver a complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was useful to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



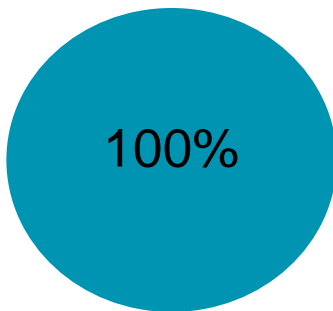
76% of complaints we investigated were upheld.

This compares to an average of **66%** in similar authorities.

16
upheld decisions

Statistics are based on a total of 21 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



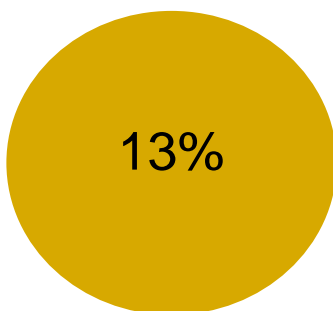
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 10 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **13%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **9%** in similar authorities.

2
satisfactory remedy decisions

Statistics are based on a total of 21 detailed investigations for the period between 1 April 2019 to 31 March 2020

Reference	Authority	Category	Received
18014208	Oxfordshire County Council	Education & Childrens Services	23 Apr 2019
18014640	Oxfordshire County Council	Adult Care Services	05 Aug 2019
18019381	Oxfordshire County Council	Adult Care Services	01 Apr 2019
18019436	Oxfordshire County Council	Adult Care Services	24 Apr 2019
19000995	Oxfordshire County Council	Education & Childrens Services	17 Apr 2019
19001189	Oxfordshire County Council	Highways & Transport	24 Apr 2019
19001377	Oxfordshire County Council	Education & Childrens Services	26 Apr 2019
19002372	Oxfordshire County Council	Education & Childrens Services	15 May 2019
19002745	Oxfordshire County Council	Education & Childrens Services	12 Jun 2019
19003630	Oxfordshire County Council	Education & Childrens Services	20 Jun 2019
19003705	Oxfordshire County Council	Education & Childrens Services	06 Jun 2019
19004405	Oxfordshire County Council	Planning & Development	19 Jun 2019
19004582	Oxfordshire County Council	Adult Care Services	20 Jun 2019
19005485	Oxfordshire County Council	Education & Childrens Services	03 Jul 2019
19005641	Oxfordshire County Council	Education & Childrens Services	04 Jul 2019
19006267	Oxfordshire County Council	Adult Care Services	16 Jul 2019
19006856	Oxfordshire County Council	Education & Childrens Services	25 Jul 2019
19006879	Oxfordshire County Council	Adult Care Services	19 Aug 2019
19007554	Oxfordshire County Council	Adult Care Services	06 Aug 2019
19008008	Oxfordshire County Council	Adult Care Services	12 Sep 2019
19008326	Oxfordshire County Council	Adult Care Services	23 Aug 2019
19009053	Oxfordshire County Council	Highways & Transport	22 Oct 2019
19009556	Oxfordshire County Council	Education & Childrens Services	06 Sep 2019
19009814	Oxfordshire County Council	Adult Care Services	11 Sep 2019
19010444	Oxfordshire County Council	Education & Childrens Services	20 Sep 2019
19010633	Oxfordshire County Council	Education & Childrens Services	24 Sep 2019
19010686	Oxfordshire County Council	Education & Childrens Services	25 Sep 2019
19010728	Oxfordshire County Council	Education & Childrens Services	25 Sep 2019
19010749	Oxfordshire County Council	Education & Childrens Services	26 Sep 2019
19010796	Oxfordshire County Council	Education & Childrens Services	26 Sep 2019
19011036	Oxfordshire County Council	Adult Care Services	01 Oct 2019
19011042	Oxfordshire County Council	Adult Care Services	22 Oct 2019

19011366	Oxfordshire County Council	Adult Care Services	07 Oct 2019
19011758	Oxfordshire County Council	Education & Childrens Services	11 Oct 2019
19011861	Oxfordshire County Council	Education & Childrens Services	15 Oct 2019
19012163	Oxfordshire County Council	Education & Childrens Services	18 Oct 2019
19012240	Oxfordshire County Council	Corporate & Other Services	09 Jan 2020
19012746	Oxfordshire County Council	Education & Childrens Services	29 Oct 2019
19012782	Oxfordshire County Council	Adult Care Services	08 Nov 2019
19013820	Oxfordshire County Council	Adult Care Services	14 Nov 2019
19014025	Oxfordshire County Council	Adult Care Services	15 Nov 2019
19014028	Oxfordshire County Council	Environmental Services & Public Protection & Regulation	15 Nov 2019
19014657	Oxfordshire County Council	Education & Childrens Services	26 Nov 2019
19015128	Oxfordshire County Council	Highways & Transport	04 Dec 2019
19015303	Oxfordshire County Council	Adult Care Services	10 Dec 2019
19015763	Oxfordshire County Council	Adult Care Services	16 Dec 2019
19016649	Oxfordshire County Council	Adult Care Services	08 Jan 2020
19016689	Oxfordshire County Council	Education & Childrens Services	08 Jan 2020
19016987	Oxfordshire County Council	Education & Childrens Services	13 Jan 2020
19017100	Oxfordshire County Council	Adult Care Services	14 Jan 2020
19017102	Oxfordshire County Council	Adult Care Services	14 Jan 2020
19017524	Oxfordshire County Council	Adult Care Services	21 Jan 2020
19018049	Oxfordshire County Council	Education & Childrens Services	28 Jan 2020
19018212	Oxfordshire County Council	Education & Childrens Services	30 Jan 2020
19018663	Oxfordshire County Council	Planning & Development	06 Feb 2020
19018745	Oxfordshire County Council	Adult Care Services	21 Feb 2020
19019169	Oxfordshire County Council	Other	14 Feb 2020
19021208	Oxfordshire County Council	Adult Care Services	20 Mar 2020

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
17018059	Oxfordshire County Council	Adult Care Services	21/05/19	Not Upheld	no mal		
17018339	Oxfordshire County Council	Adult Care Services	05/04/19	Upheld	mal & inj	Financial redress: Avoidable distress/time and trouble, Training and guidance	To remind staff of the need to ensure suitable arrangements are in place to manage direct payments when it agrees to pay a family member under an exceptional circumstances agreement.
18002621	Oxfordshire County Council	Education & Childrens Services	09/09/19	Upheld	mal & inj	Apology, Financial redress: Loss of service, Provide information/advice	The Council will remind relevant officers that the legal duty to ensure provision in an Education Health and Care Plan is arranged rests with the Council, not the child's school.
18002985	Oxfordshire County Council	Adult Care Services	26/06/19	Not Upheld	no mal		
18005587	Oxfordshire County Council	Adult Care Services	10/06/19	Upheld	mal & inj	Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	Require the care provider to have in place a contingency plan to cover any situation where a new lift fails.
18009005	Oxfordshire County Council	Education & Childrens Services	02/07/19	Upheld	mal & inj S30(1)	Financial redress: Loss of service, Apology, Financial redress: Avoidable distress/time and trouble, Provide services, Other Remedy	The Council will carry out an audit of children missing from education from September 2016 to December 2018 for whom it has a statutory duty to provide suitable full-time education under section 19 Education Act 1996 to identify: the number of children brought to its attention by schools/academies as missing education; the outcome for each child in terms of provision of education. This should include the amount of time each child was out of school and the level of alternative education they received; whether any child was refused a referral to School H because they were not on roll at another school; and the number of occasions the Council did not name a school after a FAP Panel failed to place a child. The Council will submit the findings of the audit to the relevant Children's or Education Scrutiny Committee together with advice about whether the Council is complying with its statutory duties and has made the service changes found in our previous investigation. The Council will provide evidence to the LGSCO that the audit has been completed.
18009212	Oxfordshire County Council	Adult Care Services	05/06/19	Closed after initial enquiries	Other reason not to investigate		
18009507	Oxfordshire County Council	Education & Childrens Services	17/05/19	Not Upheld	no mal		
18009622	Oxfordshire County Council	Adult Care Services	02/05/19	Closed after initial enquiries	26B(2) not made in 12 months		

18014208	Oxfordshire County Council	Education & Childrens Services	14/11/19	Upheld	mal & inj	Apology,Financial redress: Avoidable distress/time and trouble,Financial redress: Loss of service,Procedure or policy change/review,Provide training and/or guidance	The Council will remind its staff of the importance of keeping proper and appropriate records of meetings. The Council will provide evidence of how it has reviewed its procedures related to timely review of the support it provides to children with reduced school attendance. It will also consider if any further procedural changes are needed to prevent a recurrence of the identified faults.
18014640	Oxfordshire County Council	Adult Care Services	14/02/20	Upheld	mal no inj		
18016808	Oxfordshire County Council	Education & Childrens Services	04/07/19	Not Upheld	no mal		
18016841	Oxfordshire County Council	Education & Childrens Services	18/11/19	Upheld	mal & inj	Procedure or policy change/review,Other Remedy	The Council agreed to review its policies and procedures to ensure it acts in line with legislation and guidance when removing foster children from placements.
18018596	Oxfordshire County Council	Corporate & Other Services	03/05/19	Closed after initial enquiries	Sec 26(7) - all or most		
18019381	Oxfordshire County Council	Adult Care Services	02/09/19	Upheld	mal no inj	Apology,Procedure or policy change/review	The Council will review its processes to ensure that it provides reasons for refusing a blue badge.
18019436	Oxfordshire County Council	Adult Care Services	20/05/19	Referred back for local resolution	Premature Decision - referred to BinJ		
18019858	Oxfordshire County Council	Education & Childrens Services	24/04/19	Referred back for local resolution	Premature Decision - advised		
18020005	Oxfordshire County Council	Adult Care Services	30/10/19	Not Upheld	no mal		
19000995	Oxfordshire County Council	Education & Childrens Services	17/04/19	Referred back for local resolution	Premature Decision - advice given		
19001189	Oxfordshire County Council	Highways & Transport	10/09/19	Closed after initial enquiries	26(6)(a) tribunal TPT/PATAS		
19001377	Oxfordshire County Council	Education & Childrens Services	26/04/19	Referred back for local resolution	Premature Decision - advice given		
19002372	Oxfordshire County Council	Education & Childrens Services	01/11/19	Upheld	mal & inj	Financial redress: Avoidable distress/time and trouble	
19002745	Oxfordshire County Council	Education & Childrens Services	24/07/19	Referred back for local resolution	Premature Decision - referred to BinJ		
19003630	Oxfordshire County Council	Education & Childrens Services	07/02/20	Upheld	mal no inj		
19003705	Oxfordshire County Council	Education & Childrens Services	11/09/19	Upheld	mal & inj	Apology,Financial Redress: Quantifiable Loss,Provide services,Procedure or policy change/review	For the Council to tell me what action it will take to ensure the guidance it gives to officers on providing transport to school for children with an EHCP is accurate. This should stop what happened here recurring.
19004405	Oxfordshire County Council	Planning & Development	19/06/19	Referred back for local resolution	Premature Decision - advice given		
19005485	Oxfordshire County Council	Education & Childrens Services	18/07/19	Closed after initial enquiries	Not warranted by alleged mal/service failure		
19005641	Oxfordshire County Council	Education & Childrens Services	28/08/19	Referred back for local resolution	Premature Decision - referred to BinJ		
19006267	Oxfordshire County Council	Adult Care Services	29/10/19	Closed after initial enquiries	No worthwhile outcome achievable by investigation		

19007554	Oxfordshire County Council	Adult Care Services	02/03/20	Upheld	mal & inj	Apology,Financial redress: Avoidable distress/time and trouble,Procedure or policy change/review	Within two months of my final decision, the Council will write to the Ombudsmen to:- Explain what action the care home will take to ensure resident care plans are robust, person-centred and in keeping with CQC Care Regulation. The Council will explain how the care home will monitor and audit resident care plans on an ongoing basis. In addition, the Council will explain how the care home will ensure relevant staff are appropriately trained in the completion of assessments and plans. Within two months of my final decision, the Council will write to the Ombudsmen to:- Explain what action the care home will take to ensure it provides nutritional and fluid care that is in keeping with CQC Care Regulations. This should include action to ensure care staff are appropriately trained to maintain clear and accurate records. Within two months of my final decision, the Council will write to the Ombudsmen to:- Explain what action the care home will take to ensure it has a robust records retention policy in place and that staff are appropriately trained in the use of this policy.
19008008	Oxfordshire County Council	Adult Care Services	11/03/20	Upheld	mal & inj - no further action, BinJ already remedied		
19008326	Oxfordshire County Council	Adult Care Services	18/03/20	Upheld	mal & inj - no further action, BinJ already remedied		
19009053	Oxfordshire County Council	Highways & Transport	31/10/19	Closed after initial enquiries	26(6)(c) Court remedy		
19009556	Oxfordshire County Council	Education & Childrens Services	28/10/19	Referred back for local resolution	Premature Decision - advised		
19009814	Oxfordshire County Council	Adult Care Services	23/10/19	Closed after initial enquiries	Other reason not to investigate		
19010633	Oxfordshire County Council	Education & Childrens Services	09/12/19	Incomplete/Invalid	Insufficient information to proceed and PA advised		
19010686	Oxfordshire County Council	Education & Childrens Services	07/02/20	Upheld	mal no inj		
19010728	Oxfordshire County Council	Education & Childrens Services	25/09/19	Referred back for local resolution	Premature Decision - advice given		
19010749	Oxfordshire County Council	Education & Childrens Services	10/02/20	Upheld	mal no inj		
19010796	Oxfordshire County Council	Education & Childrens Services	26/09/19	Referred back for local resolution	Premature Decision - advice given		
19011036	Oxfordshire County Council	Adult Care Services	24/10/19	Referred back for local resolution	Premature Decision - referred to BinJ		
19011042	Oxfordshire County Council	Adult Care Services	22/11/19	Referred back for local resolution	Premature Decision - referred to BinJ		
19011366	Oxfordshire County Council	Adult Care Services	30/10/19	Referred back for local resolution	Premature Decision - referred to BinJ		
19011758	Oxfordshire County Council	Education & Childrens Services	18/12/19	Closed after initial enquiries	Sch 5.5 internal man schools		
19011861	Oxfordshire County Council	Education & Childrens Services	07/11/19	Referred back for local resolution	Premature Decision - advised		
19012163	Oxfordshire County Council	Education & Childrens Services	18/10/19	Referred back for local resolution	Premature Decision - advice given		
19012240	Oxfordshire County Council	Corporate & Other Services	16/01/20	Incomplete/Invalid	Insufficient information to proceed and PA advised		

19014025	Oxfordshire County Council	Adult Care Services	15/11/19	Referred back for local resolution	Premature Decision - advice given		
19014657	Oxfordshire County Council	Education & Childrens Services	11/12/19	Closed after initial enquiries	Not warranted by alleged mal/service failure		
19015303	Oxfordshire County Council	Adult Care Services	10/12/19	Referred back for local resolution	Premature Decision - advice given		
19015763	Oxfordshire County Council	Adult Care Services	16/12/19	Referred back for local resolution	Premature Decision - advice given		
19016649	Oxfordshire County Council	Adult Care Services	25/02/20	Closed after initial enquiries	26B(2) not made in 12 months		
19016689	Oxfordshire County Council	Education & Childrens Services	08/01/20	Referred back for local resolution	Premature Decision - advice given		
19016987	Oxfordshire County Council	Education & Childrens Services	29/02/20	Closed after initial enquiries	26(6)(a) tribunal SENDIST		
19017102	Oxfordshire County Council	Adult Care Services	14/01/20	Referred back for local resolution	Premature Decision - referred to BinJ		
19017524	Oxfordshire County Council	Adult Care Services	21/01/20	Referred back for local resolution	Premature Decision - advice given		
19018049	Oxfordshire County Council	Education & Childrens Services	28/01/20	Referred back for local resolution	Premature Decision - advice given		
19018212	Oxfordshire County Council	Education & Childrens Services	30/01/20	Referred back for local resolution	Premature Decision - advice given		
19019169	Oxfordshire County Council	Other	14/02/20	Advice given	Signpost - go to advice agency		

Reference	Authority	Category	Decided	Remedy	Remedy Targ	Remedy Achie	Satisfaction with Compliance
17001855	Oxfordshire County Council	Adult Care Services	16-Nov-18	Apology Financial redress: Avoidable distress/time and trouble New appeal/review or reconsidered decision	16-Apr-19	23-May-19	Remedy complete and satisfied
17018339	Oxfordshire County Council	Adult Care Services	05-Apr-19	Financial redress: Avoidable distress/time and trouble Training and guidance	13-Aug-19	12-Aug-19	Remedy completed late
18002621	Oxfordshire County Council	Education & Childrens Services	09-Sep-19	Apology Financial redress: Loss of service Provide information/advice	07-Oct-19	24-Sep-19	Remedy complete and satisfied
18005587	Oxfordshire County Council	Adult Care Services	10-Jun-19	Financial redress: Avoidable distress/time and trouble Procedure or policy change/review	25-Sep-19	10-Sep-19	Remedy complete and satisfied
18009005	Oxfordshire County Council	Education & Childrens Services	02-Jul-19	Financial redress: Loss of service Apology Financial redress: Avoidable distress/time and trouble Provide services Other Remedy	20-Feb-20	20-Nov-19	Remedy complete and satisfied
18014208	Oxfordshire County Council	Education & Childrens Services	14-Nov-19	Apology Financial redress: Avoidable distress/time and trouble Financial redress: Loss of service Procedure or policy change/review Provide training and/or guidance	14-Feb-20	05-Feb-20	Remedy complete and satisfied
18016841	Oxfordshire County Council	Education & Childrens Services	18-Nov-19	Procedure or policy change/review Other Remedy	11-Mar-20	03-Mar-20	Remedy completed late
18019381	Oxfordshire County Council	Adult Care Services	02-Sep-19	Apology Procedure or policy change/review	02-Dec-19	02-Dec-19	Remedy complete and satisfied
19002372	Oxfordshire County Council	Education & Childrens Services	01-Nov-19	Financial redress: Avoidable distress/time and trouble	29-Nov-19	15-Nov-19	Remedy complete and satisfied
19003705	Oxfordshire County Council	Education & Childrens Services	11-Sep-19	Apology Financial Redress: Quantifiable Loss Provide services Procedure or policy change/review	11-Dec-19	09-Dec-19	Remedy complete and satisfied

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Division(s):

AUDIT AND GOVERNANCE COMMITTEE – 16 September 2020

Annual Monitoring Officer Report 2019/20

Report by Monitoring Officer

RECOMMENDATION

1. The Committee is **RECOMMENDED** to consider and endorse the report.

The Committee's responsibilities for ethical standards

2. The terms of reference of the Audit & Governance Committee contain the following roles:
 - To promote high standards of conduct by councillors and co-opted members
 - To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the code of conduct for members
 - To receive report from member-officer standards panels appointed to investigate allegations of misconduct under the members' code of conduct.
 - To advise the Council as to the adoption or revision of the members' code of conduct.
3. This regime, stemming from the Localism Act 2011, demonstrates the Council's expectation that high standards of conduct will continue to be promoted and maintained among elected councillors and co-opted members.
4. The Monitoring Officer during 2019/20 was Nick Graham, Director of Law & Governance. Nick left the Council in June 2020, with Steve Jordan appointed as Interim Monitoring Officer in succession.

Standards in Oxfordshire – overview of arrangements

5. The county, district and city councils in Oxfordshire maintain harmonised **Codes of Conduct**. This has the benefit of creating transparency and accountability for the public and clarity of expectation for councillors who may also be members of more than one authority. This harmonisation is itself a key aspect in promoting and maintaining high standards across Oxfordshire. The Code is also held out to parish and town councils as a model to follow.
6. Each authority has adopted slightly different approaches to **handling complaints** about councillor conduct. There has been, though, a common theme of proportionality in these arrangements, as envisaged by the Localism Act.

7. During 2019/20, Dr Sadie Reynolds continued to assist the Monitoring Officer as an Independent Person for the purposes of reviewing complaints about councillors. To increase resilience, the Monitoring Officer undertook an additional recruitment exercise, following a public advertisement, during 2019/20. At its earliest opportunity, in May 2020, Full Council approved the appointment as Independent Persons of Mr Nicholas Holt-Kentwell and Mr Martyn Hocking.
8. In brief, the complaints process adopted by Oxfordshire County Council is as follows:
 - Each complaint is considered by the Monitoring Officer who, after consultation with an Independent Person, decides whether it merits formal investigation
 - The Monitoring Officer may seek to resolve issues informally without the need for formal investigation
 - The Monitoring Officer will determine the procedure to be adopted if a formal investigation is considered appropriate and this may involve the appointment of an Investigating Officer
 - The member complained of will normally be provided with a copy of the complaint
 - Following an investigation, a report will be prepared for the Monitoring Officer, copied to the member concerned
 - Following consultation with the Independent Person the Monitoring Officer may decide that the report is sufficient and that no further action is required
 - If there is evidence of failure to comply with the Code, the Monitoring Officer will either seek local resolution or constitute a local hearing through a Member Advisory Panel of this Committee
 - A Members' Advisory Panel may only recommend certain sanctions:
 - Censure or reprimand
 - Publish its findings
 - Report its findings to full Council
 - Recommend removal from relevant body e.g. Cabinet, Committee etc.
 - Recommend training
 - Withdraw facilities
 - There is currently no right of appeal although a Model Code of Conduct proposed by the Local Government Association may well contain this provision following a recent consultation nationally. The Council has contributed to the national debate on the Model Code and will keep abreast of any developments in 2020/21.
9. In addition to these measures, the Council has implemented Register of Interests arrangements that are fully compliant with the Localism Act and subsequent government guidance and regulations.

Democratic process and post-election induction

10. Clarity and accountability in the decision making of the Council is an important bedrock for good member governance. Key to this is the diversity of representation and experience of county councillors.
11. In November 2019 Cllr Pete Sudbury was elected for the Wallingford Division at by-election following the resignation of Lynda Atkins. The by-election was successfully concluded by the County Returning Officer and the Deputy Returning Officers at South Oxfordshire District Council.
12. An induction conversation was held between the Monitoring Officer and Cllr Sudbury and support was provided by the Democratic Support Team. There were no other by-elections during this reporting period and so no additional requirement for member induction.

Decision making governance

13. Given the Committee's role in overseeing good member governance, it is also appropriate to update this Committee on the exercise of this structure including:
 - Closed sessions – instances where the public have been excluded from meetings by virtue of the business being transacted
 - Cabinet Forward Plan – instances in which exceptions have occurred to the inclusion of items in the Forward Plan
 - Scrutiny call-in – instances where exemptions to the call-in procedures have been awarded by virtue of urgency of the business in question
 - Chief Executive decisions – instances where the Chief Executive has used delegated powers to undertake any function of the Cabinet

Closed Sessions

14. The public can be excluded from the whole or part of a meeting if the meeting is to discuss confidential or exempt information (as set out in Schedule 12A of the Local Government Act 1972, as amended). The Monitoring Officer, in his role of ensuring lawful decision making, has reviewed the number of times this has happened over the past year. The results are set out in the **Annex 1** to this report. In each case, the Monitoring Officer is satisfied that the reasons for closure were appropriate.

Cabinet – Forward Plan

15. Items for decision by the Cabinet over any forthcoming four-month period are included in a Forward Plan. Occasionally, decisions are needed on items that have not been included on a Forward Plan. These are dealt with by General Exception notices to the Forward Plan. The Monitoring Officer reviewed the instances in which this occurred and was satisfied with the reasons in each case. **Annex 2** lists the instances. It also lists additional non-key-decision items. There were two items agreed as a matter of special urgency.

Scrutiny Call-In

16. The Council's Scrutiny Procedure Rules (Rule 17a) allow for executive decisions to be **exempted from call-in** if they are deemed urgent and any delay would prejudice the council's interests. There were **two such instances** in 2019/20, as follows, with the reason for urgency given:

Expansion of Radley C of E Primary School – any delay would seriously prejudice the Council's interests, in that any delay could mean the decision would be taken away from Oxfordshire County Council.

Supported Bus Services Fund – the waiver allows the County Council to meet a Statement of Intent deadline of 13 March 2020, which if the usual scrutiny process were invoked could not be met and, therefore, would prejudice both the Council's and public interest.

Chief Executive – 'Cabinet Decisions'

17. Under the Council's Constitution, the Chief Executive has delegated powers to undertake any function of the Cabinet after appropriate consultation. Any exercise of this function is reported to the Cabinet. During the year 2019/20 this delegation was exercised on **13 occasions**; all were related to exemptions to the requirements of the Contract Procedure Rules and required (and received) a legal (Director of Law & Governance) and financial (Director of Finance) appraisal.

The Monitoring Officer

18. Monitoring Officers from Oxfordshire's county and district councils have continued to meet to discuss issues of common concern, along with a representative of the Oxfordshire Association of Local Councils. This comparison of experiences has been particularly useful in monitoring the operation of the harmonised codes of conduct and the registration of members' interests. An Election Special Interest Group of key electoral officers, coordinated by the County Council, reports directly to that meeting. The Group was instrumental in 2019/20 in ensuring effective planning for the local, European and General Elections on behalf of their respective Returning Officers.

Modern.Gov, transparency and access

19. Modern.Gov is the software package adopted by the Council (also used in some district councils across Oxfordshire) for creating, tracking and publishing council meeting agendas, reports and minutes. It also contains a module for elections which was successfully used in the November 2019 by-election, both for displaying results and subsequently for publishing updated councillors' web pages.

20. It has also been used successfully in-year for managing the Council's Forward Plan and for publicising meetings and agendas, committee appointments, as well as appointments to outside bodies. The system is also able to publish (on the website) parish council contact names and details.

To Promote and Maintain High Standards of Conduct by Councillors and Co-opted Members

21. It is a core duty of this Committee to promote and monitor high standards of conduct by councillors and co-opted members.

22. The Monitoring Officer advice was also issued as regards:

- 'Purdah' (i.e. restricted period) guidance on councillor responsibilities about the use of council publicity and resources during the local elections, by-election, European and General Election of 2019
- Disclosable Pecuniary Interests
- Dispensations for the February budget setting meeting

To advise the Council as to the adoption or revision of the members' code of conduct.

23. To enable the Committee to advise the Council on adopting or revising a members' code of conduct, it is important that the Committee is kept up to date with any issues arising from the operation of the code, both in terms of experience and any future amendments to the regulations or legislation.

Declaration of interests

24. There is still a requirement to declare disclosable pecuniary interests at meetings if they are not otherwise included in the Register and to register them thereafter. Declarations need to be made unless a dispensation has been given. It is useful for this Committee to be updated on the instances in which these provisions have been observed.

25. The usual safeguards are in place including a reminder to members of the need to declare interests at all meetings, and all agendas contain a standard item headed "Declarations of Interest". The item refers to detailed guidance attached to the agenda setting out how and when to declare an interest.

Number and Outcome of Applications for Dispensations

26. There have been no applications for dispensation.

The Number and Nature of Complaints of Breaches of the Code

27. There were **four** formal complaints against members during 2019/20. These demonstrate the tension between members speaking freely in robust political debate – in person and online – and perceptions of the public and fellow members as to what behaviours ‘cross a line’.
28. In each case, it is was matter of whether any such behaviour could reasonably be said to have gone beyond the context of robust debate and to have breached the Code of Conduct: for example to have become personally insulting rather than a point argued in the moment.
29. In two other cases, the complainant did not wish to pursue the matter, but both again related to comments made in a social media setting. One was in relation to a tweet for which the councillor immediately apologised; another in relation a remark made elsewhere on social media.

Complaint/allegation	Outcome
Complaint 1: Complaint about inappropriate and insulting use of social media.	Upheld, Code breached, apology given.
Complaint 2: Complaint about attitude of the councillor towards a member of the public, with allegations of intimidating behaviours.	Not upheld, Code not breached but councillor chose to apologise as a demonstration of goodwill.
Complaint 3: Complaint about a councillor’s remark regarding attendant members of the public during a speech at a Council meeting.	Not upheld, Code not breached, no action needed.
Complaint 4: Complaint that councillor made inappropriate remark during a conversation on a local issue, on social media.	Not upheld, Code not breached, no action needed.

30. The instances in relation to social media occurred notwithstanding the fact that members of the Council had unanimously passed a resolution in 2018 committing themselves to engaging constructively in social media.
31. During 2020/21, the Council, through this Committee, considered the potential Model Code of Conduct promoted by the Local Government Association. This stemmed from the Committee on Standards in Public Life’s report into local government ethical standards, to which this Committee also contributed in 2017-18.

32. In the light of the above and the context of a greater online occurrence of meetings, it will be appropriate to issue further guidance and refresher briefings on the Code requirements, and best practice, in 2020/21 and regularly thereafter.

Independent Remuneration Panel

33. During 2019-20 further recruitment was undertaken by the Monitoring Officer to the Council's Independent Remuneration Panel. This led to the appointment of Ms Katherine Powley and Mr Martyn Hocking. This is also paved the way for a brief review by the Panel leading to the adoption of a Scheme of Allowances for 2020/21, approved by Full Council in May 2020. It was recommended by the Panel, and approved by Council, that a full review of the Scheme be undertaken during 2020/21. Since then Mrs Bronwen Buckley has also joined the Panel in readiness for this review.

COVID-19 – Governance Implications

34. The outbreak of the COVID pandemic in March 2020 and the national lockdown meant decision making meetings could no longer be held in a physical setting. The Council was able speedily to create a solution to this. Meetings were delivered through MS Teams, with training provided for members and staff. Virtual Meetings Procedure Rules were adopted that were legally/constitutionally compliant and which enabled the public to engage fully with the meetings.

Summary

35. This annual review highlights the progress in maintain democratic accountability and transparency. The commitment to encouraging high standards of conduct will continue in 2020/21 as the Council and its members continue to engage with virtual meetings and the wider social media environment.

STEVE JORDEN
Monitoring Officer

Contact officer: Glenn Watson, Principal Governance Officer, 07776 997946.

Annex 1 Closed sessions – exempt reports

Committee/Cabinet member	Date	Provision (see note)
Pension Fund	7 June 2019	3
Remuneration	3 June 2019	1, 2 & 3
Cabinet Member for Education & Cultural Services	12 June 2019	NA**
Performance Scrutiny	4 July 2019	3
Joint Shared Services and Personnel	27 July 2019	1,2 and 3
Joint Shared Services and Personnel	29 August 2019 2019	1,2 and 3
Pension Fund	6 September 2019	3
Cabinet Member for Environment	12 September 2019	3
Pension Fund	6 December 2019	3
Cabinet Member for Education & Cultural Services	16 January 2019	NA**
Joint Shared Services and Personnel	20 January 2020	1, 2 and 3
Remuneration	30 January 2020	4
Education Scrutiny	5 February 2020	2
Pension Fund	6 March 2020	3
Remuneration (Appointments) Sub-Committee	22 April 2019	1
Pension Fund Committee	7 May 2020	1,2 and 3
Appeals & Tribunals Sub-Committee	Various dates (x 9)*	1, 2 and 3

* These Sub-Committees hear individual personal appeals

** Disclosure of information was forbidden by a government department or a court order (in which case the authority has no choice but to exclude the public).

Provisions

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of or office holders under the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
7. Any action taken, or to be taken in connection with the prevention, investigation or prosecution of crime

Annex 2

General Exceptions to the Forward Plan May 2019-May 2020

Access to Information Procedure Rules Paragraph 16 Special Urgency

North Wessex Downs AONB Management Plan 2019-24 : Adoption

To seek adoption of the North Wessex Downs AONB Management Plan 2019-24.

Access to Information Procedure Rules Paragraph 15 General Exception – Key Items

New Primary School in NE Wantage (Kingsgrove)

To consider a matter in respect of the opening of the new school in NE Wantage.

HIF Marginal Viability(mv) funding agreements Bicester & Wantage

To seek approval for delegated authority for signing the HIFmv agreements to Director of Planning and Place in consultation with the Leader.

Oxfordshire Local Aggregates Assessment 2019

To seek approval of the Oxfordshire Local Aggregates Assessment 2019.

Supported Bus Services Fund

To seek approval of the Statement of Intent for the spending of Oxfordshire's allocation of the Supported Bus Services fund, for submission to the Department for Transport.

Oxfordshire Minerals and Waste Statement of Community Involvement

To seek approval of the revised Oxfordshire Minerals and Waste Statement of Community Involvement.

Additions/Changes of date to the Forward Plan – Non Key items

Burford Weight Limit

To seek approval of a proposed experimental environmental weight limit subject to the approval of enforcement, success criteria and permits of exemption details.

Investment Strategy

Discussion and consideration of the updated Investment Strategy ahead of submission to full Council later in 2019 as part of the financial planning process.

Transition Fund for Open Access Children's Services: Underspend Bidding Round Recommendations

To seek agreement to the allocation of underspent funding to Open Access Children's Services projects.

Joint Housing & Homeslessness Strategy for Vulnerable Young People & Families and Recommissioning of the Young People's Supported Housing Pathway

To seek approval and adoption of the strategy and to seek approval to proceed with a co-commissioning approach to the Young People's Supported Housing Pathway.

Senior Joint Leadership Roles – Oxfordshire County Council and Cherwell District Council

To note the proposal to appoint two senior joint posts so as to facilitate further joint working with OCC and CDC and to ask the Joint Shared Service & Personnel Committee to convene as soon as practicable to proceed with the recruitment and appointment of the most suitable candidate.

Heathrow Airport Expansion Consultation

To seek approval of the draft consultation response and make any amendments to the response as necessary.

Streetworks Permit Scheme

To note the updates for Cabinet Members formal consultation briefing note on terms of the permits scheme.

A40 VISSIM Model License Agreement

To seek approval of the draft license agreement to share transport (VISSIM) model with third party to allow use to proceed Oxfordshire Cotswold Garden Village planning application.

Banbury - A422 Stratford Road and Bretch Hill - Signalled Crossing and Traffic Calming

To seek approval of the proposals.

Ardley: B430 - Proposed Signalled Pedestrian Crossing

To seek approval of the proposals.

Staffing Report – Quarter 2 – July–September 2019

Quarterly staffing report providing details of key people numbers and analysis of main changes since the previous report.

Primary Authority Scheme for Fire & Rescue

To seek to approve the Primary Authority Scheme Partnership with Social Housing provider.

Council Tax Discount Scheme for Care Leavers

To consider the introduction of the policy for OCC and billing authorities.

Digital Infrastructure Strategy & Partnership Memorandum of Understanding

To seek endorsement by Cabinet for Digital Infrastructure Strategy and formation of a Digital Infrastructure partnership between County, City and district Councils by way of a Memorandum of Understanding.

Abingdon, Henley, Oxford and Wallingford: Amendments to Fees for Residents Vehicle and Visitor Permits and On-Street Parking

To seek approval of the proposals.

Workforce Report and Staffing Data – Quarter 4 – January – March 2020

Quarterly staffing report providing details of key people numbers and analysis of main changes since the previous report

AUDIT and GOVERNANCE COMMITTEE – 16 September 2020 Counter Fraud Strategy and Plan for 2020/21

Report by the Director of Finance

RECOMMENDATION

1. The committee is **RECOMMENDED** to:
 - a) **Note the summary of activity from 2019/20**
 - b) **Comment and note the Counter Fraud Strategy and Plan for 2020/21**

Executive Summary

2. This report presents the Counter Fraud Strategy and Plan for 2020/21 and a summary of activity from 2019/20. The plan supports the Council's Anti-Fraud and Corruption Strategy by ensuring that the Council has in place proportionate and effective resources and controls to prevent and detect fraud as well as investigate those matters that do arise.
3. Appendix 1 contains the full 2019/20 plan agreed a year ago and an update on activity.

Background

4. An updated Local Government Counter Fraud and Corruption Strategy – Fighting Fraud and Corruption Locally was launched in 2020. The Council's Counter-Fraud arrangements are designed to adhere to the "six C's" Themes contained within this national Strategy, which are:
 - **Culture** – creating a culture where fraud and corruption are unacceptable
 - **Capability** - assessing the full range of fraud risks and ensuring that the range of counter fraud measures deployed is appropriate
 - **Capacity** - deploying the right level of resources to deal with the level of fraud risk that is monitored by those charged with governance
 - **Competence** - having the right skills and standards commensurate with the full range of counter fraud and corruption activity
 - **Communication** - raising awareness internally and externally, deterring fraudsters, sharing information, celebrating successes
 - **Collaboration** - working together across internal and external boundaries: with colleagues, with other local authorities, and with other agencies; sharing resources, skills and learning, good practice and innovation, and information

Summary of Activity 2019/20 and Quarter 1&2 2020/21 & planned activity for the remainder of 2020/21

5. During the course of 2019 the OCC Counter-Fraud function has been gradually increasing its capacity and capability following the termination of the previous working arrangements with Oxford Investigation Services (OIS) at the end of March 2019. A closer working relationship with Trading Standards was developed in order to share resources and skills in overlapping areas. A secondment arrangement was put in place with one Trading Standards Officer seconded part-time as a Counter-Fraud Officer to build capacity.
6. From April 2020 the Audit Manager leading on Counter-Fraud was redeployed full time onto Counter-Fraud in order to drive the additional capacity and capability work required going forwards.
7. A new joint Ops/Finance/Fraud Panel to consider Adult Social Care cases with fraud/finance/debt issues has been established to facilitate joint working & decision-making on complex cases and to provide support to front-line workers.
8. A Blue Badge enforcement exercise was scheduled for March 2020 but was postponed (date not yet confirmed due to Covid-19 restrictions).
9. On the operational side, a total of 32 fraud referrals were received during 2019/20, of which 11 are still open under investigation and 21 have been investigated and closed. Of the closed cases, £30k was recovered largely from a contract management issue, which has been addressed. Further action is in progress on the cases still under investigation.
10. Further counter-fraud work completed during 2019/20 included:
 - NFI 2018/19 data matches were completed, with just a small number still under investigation.
 - National Fraud Awareness week internal communications were issued in November 2019 to all staff, plus several Covid-19 scam and fraud awareness emails and news items.
 - Continued participation in the Midlands Fraud Group
 - Establishment of key contacts within TVP and neighbouring local authority fraud teams.
 - CIPFA Fraud and Corruption Tracker (CFaCT) annual survey data input
 - Transparency data published
11. Currently we are looking at the potential joint working opportunities across OCC and Cherwell District Council (CDC) for counter-fraud. The resources for this are under consideration and the remainder of 2020/21 will be focused on implementing the agreed option.
12. The table below provides more detail on the overarching objectives for Internal Audit Counter-Fraud in 2020/21 and the actions supporting these.

Objective	Actions
<p>Strategic: Implement agreed Proposal for Counter Fraud arrangements.</p> <p>Capability Capacity Competence</p>	<ol style="list-style-type: none"> 1. Explore joint working opportunities between OCC-CDC 2. Produce and agree Proposal for joint working 3. Implement the agreed structure and working arrangements, including processes and performance monitoring
<p>Proactive: Undertake proactive counter-fraud activities to reduce the risk of fraud in the Council.</p> <p>Culture Capability Communication Collaboration</p>	<ol style="list-style-type: none"> 1. Establish and routinely update a Fraud Risk Assessment 2. Deliver fraud awareness training 3. Undertake joint fraud/audit exercises 4. Participate in Council initiatives to reduce fraud exposure 5. Fraud comms
<p>Reactive: Manage fraud referrals and investigations</p> <p>Competence Collaboration</p>	<ol style="list-style-type: none"> 1. Manage fraud referrals 2. Investigate 3. Implement appropriate sanctions 4. Work with partner agencies and teams.
<p>Data: Use data to detect and prevent fraud</p> <p>Capability Competence</p>	<ol style="list-style-type: none"> 1. Undertake the 2020 NFI data upload 2. Close down the remaining data match investigations from previous NFI 3. Embed data analytics into the new Proposal and model

LORNA BAXTER
Director of Finance

Background papers: None.

Contact Officer: Sarah Cox, Chief Internal Auditor 07393 001246

Appendix 1 – Counter Fraud Plan 2019/20

Objective:	Actions:	Success Criteria:	Status
<p>1. Develop Oxfordshire Counter-Fraud model</p> <p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Acknowledge responsibility • Identify risks • Develop Strategy • Provide resources • Take action 	<ol style="list-style-type: none"> 1. Fraud delivery models will be assessed, looking at comparator Councils and in discussion with local partners. 2. A Counter Fraud Officer will be recruited to take on the operational delivery of the service. 3. The County-wide Counter-fraud strategy will be discussed at Oxfordshire Treasurers Association which comprises all s151 Officers of all six local authorities in Oxfordshire 4. In line with corporate direction, establish and build a close working partnership between OCC and CDC counter-fraud activity. 5. A close working relationship will continue with Oxford Investigation Service, purchasing additional resource from them as required. 	<ul style="list-style-type: none"> • A clear and agreed plan for implementing an effective counter-fraud service • Recruitment of Counter-Fraud Officer 	<ol style="list-style-type: none"> 1. Complete. Models have been assessed and Proposal under consideration. 2. Complete. Counter Fraud Officer secondment commenced Dec 2019, ongoing until perm structure agreed. 3. Ongoing. Discussions have been ongoing at OTA. 4. Complete and ongoing. OCC Internal Audit team provides a joint service across OCC and CDC from April 2020; closer working relationships on fraud are being built. 5. Complete. Ongoing relationship maintained. 6. Complete. Relationship built and ongoing with Hertfordshire County Council and West Oxfordshire District Council, as well as South Oxfordshire District Council and VOWH District Council. 7. Complete. Counter Fraud still under Internal Audit, but additional resource has been allocated to Counter Fraud.

	<p>6. Build relationships with counter-fraud colleagues in other LA's (Hertfordshire Shared Anti-Fraud Service, West Oxon Fraud Hub).</p> <p>7. Internal Audit will retain the strategic lead role on Counter Fraud however the operational activity will be managed as a distinct function.</p>		
<p>2. Raise the profile of counter-fraud and increase fraud referrals & efficiency of fraud case management</p> <p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Acknowledge responsibility • Develop Strategy • Provide resources 	<ol style="list-style-type: none"> 1. Update the Fraud pages on the website and intranet 2. Update and improve the fraud referral routes 3. Research case management systems to automate and create efficiencies in logging and updating cases. 4. Deliver counter-fraud training to members and officers. 	<ul style="list-style-type: none"> • All Fraud-related webpages up to date with clear & easily accessible fraud referral routes for the public, staff and others to use. • New case management system in place • Agreed training programme delivered. 	<ol style="list-style-type: none"> 1. Complete. Pages updated and ongoing updates applied. 2. Complete. New email address established and mobile phone number. 3. Complete. New case management system, Opus implemented and use ongoing. 4. Incomplete. This is part of ongoing proactive work which isn't yet resourced.

<p>3. Fraud risk mapping: Blue badge, Carer's Grant, Bus Pass</p> <p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Acknowledge responsibility • Identify risks • Take action 	<ol style="list-style-type: none"> 1. Review of processes to identify fraud risks 2. Work with the service to embed fraud red flags and referral points in each process and record misuse/fraud issues 3. Review the Blue badge annual exercise performed with OIS to identify any areas for process improvement. 	<ul style="list-style-type: none"> • Fraud risks mapped throughout the Blue Badge, Carer's Grant and Bus Pass processes • Standard Operating Procedure for Blue Badge Enforcement developed • Successful Blue Badge misuse/fraud prosecution(s) and deterrence activity 	<ol style="list-style-type: none"> 1. Complete. Fraud risks in Blue Badge process identified. 2. Complete. Fraud risks identified and referrals to Counter Fraud Team. Blue Badge team access to Opus to log cases. 3. Partially complete. Review of annual exercise completed but exercise not undertaken due to lockdown.
<p>4. NFI</p> <p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Identify risks • Take action 	<p>Complete the review of NFI matches from the 2018/19 exercise</p>	<ul style="list-style-type: none"> • All NFI matches reviewed • Recovery of funds where appropriate • Lessons learnt shared and controls improved 	<p>Complete. NFI 2018/19 exercises completed with a small number of ongoing investigations.</p>

		where necessary	
<p>5. Adult Social Care</p> <p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Acknowledge responsibility • Identify risks • Provide resources • Take action 	<ol style="list-style-type: none"> 1. Continue to implement the Direct Payments fraud risk process and make any necessary amendments, as well as deliver Direct Payments Fraud Awareness training 2. Continue to hold quarterly Safeguarding/Fraud/Debt review meetings to discuss specific cases and implementation of new process 3. Discuss with stakeholders the opportunities for improvement in the use of intelligence on Personal Assistant's where financial abuse or other safeguarding/fraud concerns are raised. 4. Review whether improved mechanisms for referral and acceptance of financial abuse cases to the Police can be implemented. 		<ol style="list-style-type: none"> 1. Complete. Direct Payments fraud referral and investigation process is well established now. Ongoing Direct Payments Fraud training delivered. 2. Complete. New Ops/Finance/Fraud Panel meetings (6-weekly) established to jointly discuss complex cases. DP audit also addressing DP fraud risks. 3. Complete. New system in place. 4. Ongoing, work in progress.
6. Deprivation of Assets (DoA)	Participate in project team reviewing DoA policies and processes to ensure fraud risks are assessed and included.	<ul style="list-style-type: none"> • Service develop polices and processes 	Ongoing. Counter Fraud included in project task and finish group addressing DoA, financial abuse, client contribution debts.

<p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Acknowledge responsibility • Identify risks • Develop Strategy • Provide resources • Take action 		<p>which include proper assessment, identification and follow up of fraud risk</p>	
<p>7. Networking</p> <p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Identify risks • Provide resources • Take action 	<ol style="list-style-type: none"> 1. Continue to engage with Midlands Fraud Group 2. Build working relationships with well developed counter-fraud services 3. Engage with the Fraud Knowledge Hub to share information and learning. 4. Attend Fraud conferences 	<ul style="list-style-type: none"> • Attended Group meetings and conferences • Established useful and productive professional working relationships 	<ol style="list-style-type: none"> 1. Complete. 2. Complete. 3. Complete. 4. Complete.
<p>8. Data reporting</p> <p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Identify risks • Take action 	<ol style="list-style-type: none"> 1. Submit the annual CIPFA Fraud Tracker data 2. Publish the annual Transparency Code data 	<ul style="list-style-type: none"> • All data reporting requirement submitted accurately and on time. 	<ol style="list-style-type: none"> 1. Complete. 2. Complete.
<p>9. Fraud referral management & investigations</p>	<ol style="list-style-type: none"> 1. Receive all fraud enquiries and referrals via email, 	<ul style="list-style-type: none"> • Response to referrals and 	<ol style="list-style-type: none"> 1. Complete. 2. Complete. 3. Complete.

<p><i>CIPFA code key principles:</i></p> <ul style="list-style-type: none"> • Identify risks • Take action 	<p>phone and the whistleblowing line/webform</p> <ol style="list-style-type: none"> 2. Log these on the Fraud Log 3. Investigate each referral to establish next steps 4. Pursue as fraud investigation / management investigation / safeguarding investigation / other, as appropriate. 5. Working with relevant Officers from other teams 6. Update fraud log records as case progresses 7. Escalate and keep management informed where appropriate 8. Liaise with relevant external stakeholders, eg District Councils, DWP, Police 9. Take forward the correct outcome actions, eg recovery, prosecutions, disciplinary action etc. 10. Identify & share lessons learnt. 11. Close the case 	<p>enquiries within 48 hours</p> <ul style="list-style-type: none"> • Appropriate sanctions applied (repayments, prosecution, disciplinary, etc) 	<ol style="list-style-type: none"> 4. Complete. 5. Complete. 6. Complete. 7. Complete. 8. Complete. 9. Complete. 10. Complete. 11. Complete.
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Division(s): N/A

ITEM 9

AUDIT and GOVERNANCE COMMITTEE – 16 September 2020

INTERNAL AUDIT 2020/21 PROGRESS REPORT

Report by the Director of Finance

RECOMMENDATION

1. The committee is RECOMMENDED to note the progress with the 20/21 Internal Audit Plan and the outcome of the completed audits.

EXECUTIVE SUMMARY

2. This report provides an update on the Internal Audit Service, including resources, completed and planned audits. A separate update on the Counter Fraud Strategy will also be made to the September Committee.
3. A full update on resources was made to the Audit and Governance Committee in May 2020 as part of the Internal Audit Strategy and Plan for 2020/21. Since then the recruitment activity which had been paused due to covid-19 has re-commenced for a Senior Auditor. Recruitment has also now started for an Assistant Auditor Trainee post; the successful candidate will be supported to undertake an Internal Audit apprenticeship.
4. The report includes the Executive Summaries from the individual Internal Audit reports finalised since the last report to the July 2020 Committee. Since the last update, there has been a further Red report issued, within Childrens – Audit of SEND (Special Educational Needs and / or Disabilities). Officers attended the September AWG meeting where the findings and action plan were considered in detail by the group.
5. Previous reports with the grading of Red continue to be monitored by the Audit Working Group for implementation.

PROGRESS REPORT:

RESOURCES

1. A full update on resources was made to the Audit and Governance Committee in May 2020 as part of the Internal Audit Strategy and Plan for 2020/21.
2. Since then the recruitment activity which had been paused due to covid-19 has re-commenced for a Senior Auditor, with the advert posted and closing date mid-September.
3. Recruitment has also now started for an Assistant Auditor Trainee post; the successful candidate will be supported to undertake an Internal Audit apprenticeship. Again, the advert has been posted and closing date mid-September.
4. The Senior Auditor and Audit Manager continue to undertake professional study, undertaking the Chartered Internal Audit Qualification. They both have one more exam to complete. We are now supporting the other two Senior Auditors, who are now undertaking the Certified Internal Audit Qualification.

2020/21 INTERNAL AUDIT PLAN - PROGRESS REPORT

5. The 2020/21 Internal Audit Plan, which was agreed at the July Audit & Governance Committee, is attached as Appendix 1 to this report. This shows current progress with each audit. The plan and plan progress is reviewed quarterly with the individual directorate leadership teams.
6. There have been 4 audits concluded since the last update (provided to the July meeting of the Audit and Governance Committee); summaries of findings and current status of management actions are detailed in Appendix 2. The completed audits are as follows:

Directorate	2020/21 Audits	Opinion
Customers & Org Dev – IT	IT Disaster Recovery Planning	Amber
Childrens	Troubled Families – 20/21 – Claim 1	n/a
Childrens	Childview IT Application Audit	Amber
Childrens	SEND	Red

PERFORMANCE

7. The following performance indicators are monitored on a monthly basis.

Performance Measure	Target	% Performance Achieved for 20/21 audits (as at 18/8/20)	Comments
Elapsed time between start of the audit (opening meeting) and Exit Meeting.	Target date agreed for each assignment by the Audit manager, stated on Terms of Reference, but should be no more than 3 X the total audit assignment days (excepting annual leave etc)	75%	Previously reported year-end figures: 2019/20 61% 2018/19 69% 2017/18 80% 2016/17 60%
Elapsed Time for completion of audit work (exit meeting) to issue of draft report.	15 days	75%	Previously reported year-end figures: 2019/20: 74% 2018/19 82% 2017/18 95% 2016/17 94%
Elapsed Time between issue of Draft report and issue of Final Report.	15 days	75%	Previously reported year-end figures: 2019/20: 74% 2018/19 85% 2017/18 92% 2016/17 75%

The other performance indicators are:

- % of 2019/20 planned audit activity completed by 30 April 2021 - reported at year end.
- % of management actions implemented (as at 18/8/20) - 63%.
Of the remaining there are 6% of actions that are overdue, 6% partially implemented and 25% of actions not yet due.

(At May 2020 A&G Committee the figures reported were 74% implemented, 11% overdue, 11% partially implemented and 4% overdue)

- Extended Management Team satisfaction with internal audit work - reported at year end.

COUNTER-FRAUD

8. The 2020/21 Counter-Fraud Strategy will be presented as a separate update to the September Committee.

SARAH COX

Chief Internal Auditor

Background papers: None.

Contact Officer: Sarah Cox: 07393 001246

APPENDIX 1 - 2012/21 INTERNAL AUDIT PLAN - PROGRESS REPORT

Audit	Planned Qtr Start	Status as at 18/8/20	Conclusion
Corporate / Cross Cutting			
Covid-19 funding / payments – where requested we are reviewing and advising on processes being established, providing assurance on some of the payments and reliefs made.	Q2	Fieldwork	
Commercial Development, Assets and Investments			
Contract Management – Payments by Results Contracts (sample across services) - (Combined Audit and Counter Fraud activity)	Q3	Not started	
Property, Investment & Facilities Management	Q3/Q4	Not started	
Communities			
Highways Contract Management	Q1	Fieldwork	
Communities / Place and Growth / Finance			
Capital Programme – Governance, Formulation and Prioritisation	Q4	Not started	
Finance			
Payroll	Q1	Fieldwork	
Pensions Administration	Q3/Q4	Not started	
Combined audit & counter fraud reviews of financial systems / processes – areas to be determined based upon risk.	Q3/Q4	Not started	
Childrens			
Childrens Payments via Controcc/LCS Recording – Follow up audit	Q4	Not started	
Management of Placement Vacancies	Q3	Not started	
Family Safeguarding Plus – Financial Management	Q4	Not started	
Troubled Families (3 claims)	Q1-Q4	July Claim - complete	n/a
ICT new system implementation - Children's Education System (including design of internal controls / processes, including IT security controls)	Q3/Q4	Not started	
ICT – Application audit - Childview System (OYJS)	Q1	Final Report	Amber

SEND (audit started at the end of 2019/20, c/f to 20/21 due to covid-19)	Q1	Final Report	Red
Carterton Community College	Q1	Fieldwork	
Adults			
Order of St Johns Contract	Q3	Not started	
Mental Health – Outcomes Based Contract Contribution	Q2	Scoping	
Client Charging	Q4	Not started	
Payments to Providers	Q4	Not started	
Customers & Organisational Development			
Cultural Services – Music Service	Q3	Not started	
Corporate - Risk Management	Q4	Not started	
Customers & Organisational Development – ICT			
ICT Incident Management	Q3/Q4	Not started	
ICT Disaster Recovery Planning	Q1	Final Report	Amber
ICT Asset Management	Q3/Q4	Not started	
ICT Web Portals	Q3/Q4	Not started	
Grant Certification			
Various (approx. 10 for OCC)	Q1-Q4	Better Broadband Programme – complete June 2020.	n/a

APPENDIX 2 - EXECUTIVE SUMMARIES OF COMPLETED AUDITS

Summary of Completed Audits 2020/21 since last reported to Audit & Governance Committee July 2020

IT Disaster Recovery Planning 20/21

Overall conclusion on the system of internal control being maintained	A
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RISK AREAS	AREA CONCLUSION	No of Priority 1 Management Actions	No of Priority 2 Management Actions
IT Business Continuity (Non-DR)	A	0	3
Corporate IT Priorities	G	0	1
ICT Disaster Recovery Plans	A	0	6
Testing of Plans	A	0	1
		0	11

Opinion: Amber		
Total: 11	Priority 1 = 0	Priority 2 =11
Current Status:		
Implemented	0	
Due not yet actioned	0	
Partially complete	0	
Not yet Due	11	

An internal audit of corporate business continuity planning was undertaken in 2018/19 and followed up in 2019/20. The scope of these reviews did not include IT Services and hence it was included within this audit to see how IT Services have planned for the continuation of its operational services in the event of a major incident. A Business Impact Analysis has been completed to identify essential services and activities using templates issued by the Emergency Planning team. However, we have identified that not all service lines were included within the Business Impact Analysis and those that are have not been fully assessed or prioritised for recovery.

The corporate Business Continuity Steering Group, which is attended by IT Services, agreed on a list of priority IT applications in November 2019. A list of these applications is published on the Intranet and held by IT Services within their disaster recovery documentation, although we found differences between the two lists. The

document held by IT Services is an older version and hence there is a risk they will work from an out-of-date list, which may impact on IT system recoveries.

The recent Datacentre Refresh project made a number of changes to IT disaster recovery arrangements, including the move to cloud-based recovery. Microsoft Azure Site Recovery (ASR), which is Disaster Recovery as a Service (DRaaS), is used for the most critical business applications e.g. those categorised as Priority 0 and Priority 1. However, because of the cost of the service it is not feasible to use it for all applications and hence Priority 2 and lower applications use a different cloud recovery method. The difference between the two is the speed in which a recovery can be performed, with ASR having a much quicker recovery time.

ICT Services have a documented Business Continuity Plan and an associated Roles and Responsibilities plan. Whilst both documents have been recently reviewed there is no evidence they have been approved. We found gaps in technical recovery documentation which may hinder the recovery of IT infrastructure and applications or leave key person dependencies. There is a DR Teams site in Office 365 for all disaster recovery documentation, but we found that some of the required documents are not held there and others are out-of-date. A Recovery Team has been identified but we found that not all members are aware of their responsibilities.

Disaster recovery testing has been limited to performing server recoveries within ASR. Application level testing has not been undertaken to confirm that users can login and access applications after they have been recovered. There is also no documentation of the testing completed to confirm what was tested, objectives, issues, recommendations for improvement or critical success factors.

Troubled Families Claim 1 2020/21

The July 2020 claim consisted of **192 families for Significant & Sustained Progress (SSP)**. A further 38 families, that were reviewed by Internal Audit in March 2020 but were not submitted within that claim as the maximum number had been reached, were claimed for in June as agreed with MHCLG, bringing the total for the year so far to 230.

The audit checked a sample of 10% of the total SSP claim to ensure that they met the relevant criteria for payment and had not been duplicated in the current or previous claims. Their initial eligibility criteria for inclusion in the Programme were also checked.

Overall Conclusion

The audit noted the improvements in the internal processes for data checking and validation made following previous claims have remained effective. Testing for duplicates found no families that have previously been claimed for, and no issues were identified with the eligibility or sustained progress of the families sampled.

Following satisfactory responses being received for all queries raised by Internal Audit, the claim was signed off for submission. As such, no audit findings or management actions were raised.

Childview IT Application Audit 20/21

Overall conclusion on the system of internal control being maintained	A
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RISK AREAS	AREA CONCLUSION	No of Priority 1 Management Actions	No of Priority 2 Management Actions
Logical Access	A	0	3
Access Rights	R	2	4
Audit Trails	A	0	1
Data Transfer	A	0	1
Support and Maintenance	G	0	0
Backups	G	0	0
		2	9

Opinion: Amber	10 August 2020	
Total: 4	Priority 1 = 2	Priority 2 = 9
Current Status:		
Implemented	2	
Due not yet actioned	0	
Partially complete	0	
Not yet Due	9	

The Childview IT application is a Priority 1 corporate system that is used within the Oxfordshire Youth Justice Service (OYJS) and holds sensitive personal data on young people aged between 10-18 years old. The system is accessed via a web browser and requires users to enter a valid username and password.

There is an adequate password policy on the system but we found that users are allowed an excessive number of failed logins before their account is locked out. There is also no record of when the password to the default administrator account was last changed and hence a risk that it is known beyond the current authorised users of the account.

Access rights within the system are defined via security groups and each user is allocated one or more of these groups, depending on their role. The security groups are not documented in terms of the access they provide and who they should be allocated to and we also found an excessive number of users in the 'Full Access'

group, which provides the highest level of privileges within the system. Access rights are not subject to any formal review to ensure users have the correct level of access. New user accounts are created on the basis of 'line manager' approval, which can be approval at any supervisory level and does not ensure senior management oversight. We also found that the system administration responsibilities of ICT Services are not formally documented and agreed.

Data transfers to the Youth Justice Board (YJB) are undertaken securely within the Childview application. However, we found that the procedure for carrying out the quarterly data transfer to the YJB is not documented and hence may leave a key person dependency risk.

There is a comprehensive audit trail on the system which is configured to log an extensive number of user activities. However, there are no details on the retention of audit log data and hence a risk that such data may be deleted prematurely and is not available to investigate a security incident or data breach.

The system has an annual support and maintenance contract, which includes diagnosis and rectification of faults as well as software changes to meet any changes in legislation.

The system is backed up by ICT Services and it was confirmed that there is a daily backup of both the database server and the application server.

SEND 2020/21

The full audit report has been previously shared with Audit & Governance members, distributed with Audit Working Group papers and was considered at the September meeting. See report of the AWG 9/9/20.

Overall conclusion on the system of internal control being maintained	R
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RISK AREAS	AREA CONCLUSION	No of Priority 1 Management Actions	No of Priority 2 Management Actions
A: Governance, Policies & Procedures	A	0	5
B: Finance, Budget Monitoring & Control	A	3	7
C: Process & Decision Making	R	2	8
D: Performance Management & Management Information	A	3	4
E: Commissioning & Procurement	R	6	3
		14	27

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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AUDIT & GOVERNANCE COMMITTEE WORK PROGRAMME – 2020/21

11 November 2020

Treasury Management Mid Term Review (Tim Chapple)
Counter-fraud Update (Ian Dyson)
OFRS Statement of Assurance 2019-20 (Don Crooks)
Constitution Review (Steve Jordan/Glenn Watson)
Provision Cycle (Wayne Welsby/Steve Jordan)
Financial Management Code (Lorna Baxter)

13 January 2021

Treasury Management Strategy Statement and Annual Investment Strategy for 2021/22 (Lorna Baxter/Tim Chapple)
Internal Audit Plan – Progress Report (Sarah Cox)

03 March 2021

Ernst & Young – Progress Report inc. Audit Plan (Janet Dawson)
Scale of Election Fees and Expenditure (Glenn Watson)
Audit & Governance Committee Annual Report to Council 2020 (The Chairman)
Progress update on Annual Governance Statement Actions (Glenn Watson)
Counter-fraud Update (Sarah Cox and Tessa Clayton)

12 May 2021

Annual Governance Statement (Glenn Watson)
Annual Report of the Chief Internal Auditor 2019/20 (Sarah Cox)
Internal Audit Strategy & Annual Plan 2020/21 (Sarah Cox)
Annual Scrutiny Report (Robin Rogers)
Ernst & Young - Progress Report (Janet Dawson)
OFRS Statement of Assurance 2019-20 (Don Crook)
Draft narrative statement and Accounting Policies for inclusion in the Statement of Accounts (Hannah Doney)

21 July 2021

Statement of Accounts 2019/20 (Hannah Doney)
Ernst & Young – Final Accounts Audit (Janet Dawson)
Treasury Management Outturn 2019/20 (Tim Chapple)
Internal Audit Charter (Sarah Cox)
Counter-fraud Plan 2020/21 (Sarah Cox)

Standing Items:

- Audit Working Group reports (Sarah Cox)
- Audit & Governance Committee Work Programme – update/review (Committee Officer/Chairman/relevant officers)

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