

**AUDIT AND GOVERNANCE COMMITTEE – 29 November 2023****ANNUAL GOVERNANCE STATEMENT 2022/23 –  
UPDATE ON ACTIONS**

Report of the Director of Law & Governance and Monitoring Officer

**RECOMMENDATION**

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

**Executive summary**

2. On 19 July 2023, this Committee approved the Annual Governance Statement (AGS) for the year 2022/23. Local authorities are required to prepare an AGS to be transparent about their compliance with good governance principles and to give an opinion on the effectiveness of those arrangements. As part of the process, authorities are expected to highlight particular areas of focus for the year following.
3. This report therefore updates the Committee on the thirteen particular areas of focus identified for 2023/24.

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

4. The Annual Governance Statement outlines eight areas for particular focus during 2023/24 and the outcomes expected. Thirteen separate actions were identified:

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

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

<b>8. Customer Feedback</b>	To review
<b>9. Current culture of dealing with information requests and the expectations of the Information Commissioner's Office (ICO)</b>	The Customer Feedback, and Governance Teams to review the joint working approach when dealing with requests for information under the Environmental Information Regulations (EIR), Freedom of Information Act (FOIA), and Subject Access Request (SAR) regimes. Teams to meet regularly to ensure the Council is working in accordance with the relevant legislation and to consult with the ICO during the year to assist with the monitoring of the Council's performance.
<b>10. Recording of Decisions</b>	
<b>11. Proactive Training for Governance</b>	Governance sessions to raise awareness and skills level within the Organisation to be carried out by Head of Legal.
<b>12. Review of the Annual Governance Statement Process</b>	
<b>13. Financial Management Strategy</b>	The Financial Management Strategy is in development which will set out the improvements required to enhance financial management capabilities including financial management reporting structures and the development of business objects dashboard reporting

## UPDATES

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

5. The updated Scheme of Delegation pages within the Constitution (7.1 and 7.2) were approved by Council on 16 May 2023 and will be published in the next Constitution update for the website (expected by 30 November 2023)
6. Directorate level Schemes of Delegation have been reviewed by representatives of each directorate and updated versions have been submitted to the Council's Governance Team. Directorate level Schemes of Delegation are not included in the Constitution but will be held by each directorate with a central copy held by the Governance Team on behalf of the Monitoring Officer.
7. Financial Powers: The Council's Finance Team are undertaking a complete

update in relation to the financial scheme of delegation with the intention that going forward the schedule of authorised officers will be updated on a rolling basis rather than an annual update. The team are also working with the directorates to agree the principles of how their authorisations will work going forward and documenting directorate specific schemes of financial delegation (like a financial powers documents). This was a more significant piece of work than originally expected due to significant changes that have occurred in the organisation. As with the completion of the directorate delegated powers documents, completing the finance directorate schemes and schedules has been a time challenge.

8. Below are details of the intended outputs and our progress to date.

Output	Status	Notes	Completion Date
1) Update the schedules to the scheme of delegation	In progress	See details of progress below.	Nov-23/Dec-23
2) Update the scheme of financial delegation, aligning with the updated Contract Procedure rules	Not started	Finance will need Governance/Legal to support with completing the update	TBC – dependent on support availability
3) Update the S151 scheme of financial delegation	In progress		Nov-23
4) Directorate Schemes of Financial Delegation	Part in progress	Adults/Children/Finance are in the process of documenting their local Financial Powers.  Other Directorates	Dec-23  By end of financial year
5) Update intranet pages	In progress	Draft pages edits – complete, pending sign off. Draft IBC guidance – complete, pending sign off. Draft Financial Schedule update	Nov-23

		guidance, pending sign off.	
		Need to check with governance on page management – complete	

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

Directorate	Status	By when
Adults	Final draft due to go to SC/KF/TJ to sign	w/c 13/11/23
Childrens	Approach and levels agreed with Director 2/11/23, final draft being prepared	w/c 20/11/23
Environment and Place	Final draft due to go to director	w/c 20/11/23
Property	Some clarifications for Director	w/c 4/12/23
Resources	With FBP/Director	Dec-23
Customer/Culture Law & Gov Public Health	Updated schedules pending	Dec-23

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

10. The ongoing partnership documentation required by the recommendation from the 4 July 2022 Joint Shared Services and Personnel Committee has been finalised.

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

11. The Domestic Abuse Supporting Employee's Policy and How-To Guide launch date has now been deferred to 29 January 2024 due to further consultation/amendments being required.

12. Sickness/supporting attendance policy: Now in Consultation stage with Unions; target date moved to 30 November 2023.

13. Agile: policy launched 30 October 2023.

14. Additions to pay: under review. HR Director due taking a paper to CMT regarding market supplements.

15. No change to remainder of policies but target date for completion remains as

31 March 2024.

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

16. All policies and procedures comply with the law, promote best practice, consistency of approach and are straightforward and easy to use.
17. A review will be undertaken of procedures around member representation on outside bodies by 31 March 2024.
18. Officer guidance on executive decisions and key decisions has been published and awareness raising sessions have been held.

### **E Constitution**

19. A further report to Council to recommend changes to the Council's Constitution to improve the effectiveness of the governance arrangements within the Council will be brought forward once the Members' Working Group has undertaken the next tranche of work. The Members' Working Group is expected to resume in January 2024.

### **F Member training**

20. An improved and responsive training programme to reflect the evolving requirements of elected Members will be developed by 31 March 2024.

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

21. The legal status of and responsibilities and accountabilities of Members are clearly understood in relation each outside body they are appointed to by the Council with appropriate indemnities in place. This will form part of the review of representation on outside bodies to be completed by 31 March 2024.

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

22. During the first 8 months of 2023/24, there has been a heightened level of engagement and communication about the complaints (statutory and corporate) process and the need to have an improved performance in terms of responsiveness and quality.
23. Actions include:
  - a) A complaints (and FOI) report is produced for each monthly Business Monitoring and Management Report (BMMR). This is reviewed, signed off

and owned at CMT level. On a bi-monthly basis, the report is also taken to Cabinet.

- b) On 5 July 2023, the Director for Customer Experience and Cultural services wrote to all Extended Leadership Team (ELT) colleagues requesting the cascade of the message to all colleagues to improve the current responsiveness rates; this was followed by articles in the Managers' Briefings and on the intranet
  - c) On 30 July 2023, the Director for Customer Experience and Cultural Services wrote to all ELT colleagues asking for them to provide feedback on the draft revised complaints process.
  - d) In November 2023, the newly updated complaints policy was launched.
24. In addition, the Customer Feedback team have provided the following information:
- a) Stage 1 training has been provided for Children's Social Care. There were around 90 attendees, and a further session is due to take place at the end of November for those staff unable to attend the original training date.
  - b) The Customer Feedback Team are working closely with the Partnership Youth Development Manager to support stage 1 responses within the relevant timeframe.
  - c) Work is being undertaken with Head of The Multi-agency Safeguarding Hub (MASH)/front door to provide a face-to-face training session on the quality of responses. This training should be rolled out in the New Year and will become mandatory going forwards. If this training works well, the team will look to replicate in other service areas.
  - d) The next step is to provide stage 2 staff training to managers in Children's Services: this will outline the process, expectations, and the role of the Adjudicator. The training was rolled out in March 2023 and the Deputy Director for Children's Services will work with the team to ensure that all managers attend. Attendance
  - e) The team have provided Statutory Stage 2 training to SEND colleagues to provide an overview of the process should any complaints become part of the statutory process.
  - f) The team have created guidance to support staff with writing responses until the they are able to provide in person training to all.
25. Although there is still work to do, the Customer Feedback team are working closely with the services and building key relationships to support staff with the complaints process and completing their responses in a timely and qualitative manner.

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

26. The Customer Feedback Team has appointed a Senior Freedom of Information (Fol) Officer. This role will liaise with the Governance Team to seek specialist advice on compliance with legislative provisions and to alert the Governance team when communication is received from the ICO.
27. The Governance Team alerts the FOI Team to any themes, issues with the quality of responses, or compliance concerns that have been identified, to enable actions to be put in place before a complaint is taken to the ICO.
28. Teams meet regularly to discuss any issues and to ensure that the approach when dealing with requests remains consistent, in line with statutory duties, and services are communicated with accordingly.
29. There is also an opportunity for key issues to be considered at the Council’s Information Governance Group, which is chaired by the Head of Governance.
30. Six-monthly meetings have taken place with an ICO Case Worker to assist in the understanding of the Council’s performance against other similar authorities.
31. The table below details the number of enquiries received from the ICO relating to complaints about the Council’s handing of requests so far for 2023/2024. Data for the previous four years has also been included for comparison.

	<b>2023/2024 (as at 15/11/2023)</b>	<b>2022/2023</b>	<b>2021/2022</b>	<b>2020/2021</b>	<b>2019/2020</b>
<b>Number of ICO enquiries received</b>	16	13	1	1	0
<b>Number of decision notices issued</b>	5	3	1	0	0
<b>Number of decision notices issued: Upheld</b>	3	2	1	0	0
<b>Number of decision notices issued: Partly Upheld</b>	2	0	0	0	0



<b>Number of decision notices issued: Not Upheld</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
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32. Please note that the ICO's approach is to try and resolve informally rather than to take through the formal process and issue a decision notice; this is reflected in the above figures.

33. To ensure corporate visibility there has been an enhanced focus on FOI/EIR data and compliance rates by reporting through the Business Monitoring and Management Report (BMMR) at Council Management Team (CMT) and Cabinet.

**J. Recording of decisions**

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

**K. Proactive training for governance**

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

**L. Review of the Annual Governance Statement process**

36. The Corporate Governance Assurance Group (CGAG) is actively reviewing the process for the 2023/24 AGS and will make recommendations to the Council Management Team (CMT).

37. **M. Financial Management Strategy**

38. Update to be reported to A&G Committee in January 2024.

**Financial implications**

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

**Legal implications**

40. The Council has a legal duty to agree an Annual Governance Statement. This report does not itself raise legal implications but is an update on the actions arising from last year's AGS and is consistent with the responsibility of this Committee to ensure the effectiveness of the Council's governance.

### **Equality and inclusion implications**

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

### **Anita Bradley**

Director of Law and Governance & Monitoring Officer

Contact Officer Sarah Smith, Senior Governance Lead  
[governance@oxfordshire.gov.uk](mailto:governance@oxfordshire.gov.uk)

November 2023

