

Minutes of the meeting of the Audit and Governance Committee held in The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Monday 21 November 2022 at 11.00 am

Committee members present in person and voting: Councillors: Christy Bolderson, Clare Davies, Nigel Shaw (Chairperson) and David Summers

Committee members participating via remote attendance: Councillors: Jenny Bartlett (Vice-Chairperson)

Note: Committee members participating via remote attendance, e.g. through video conferencing facilities, may not vote on any decisions taken.

Others in attendance: B Baugh (Democratic Services Officer), L Farr (Service Director, Education, Skills and Learning), F Fernandes (Interim Head of Legal Services), R Hart (Head of Strategic Finance), K Lloyd (Performance Team Lead), A Lovegrove (Director of Resources and Assurance), T Page (Complaints and Children's Rights Manager) and A Rees-Glinos (Democratic Services Support Officer)

49. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Dave Boulter and Peter Jinman.

Councillor Jenny Bartlett was unable to attend the meeting in person but participated via remote attendance.

50. NAMED SUBSTITUTES

Councillor David Summers was present as a substitute member for Councillor Peter Jinman.

51. DECLARATIONS OF INTEREST

No declarations of interest were made.

52. MINUTES

The committee received and agreed the minutes of the previous meeting.

[Note: the agenda item 'Update on internal audit recommendations' was considered before the action log]

The action log for the committee was discussed, the key points included:

1. It was noted that some actions had overdue dates and there was a need to consider closing some of the outstanding actions.

2. Action 102: It was commented that information on Section 106 monies held by ward had been provided to councillors but specific information on 'the value of unspent money which exceeds the payment dates' had not yet been circulated. Therefore, the action was not complete.
3. Action 125: The Director of Resources and Assurance confirmed that a 'Carbon Audit' was not carried out but various surveys were undertaken on carbon and the journey to zero carbon.
4. Actions 126, 159, 166: It was noted that these actions would be progressed as 'part of the members' induction after the next local election' and it was suggested that the target date for each should be June 2023.
5. In response to a question, the Chairperson commented that there could be various reasons for a delay in progressing an action and the committee needed to be satisfied that the reasons were reasonable in view of the importance of the action. Members were invited to identify any key actions they would wish to prioritise.
6. Action 177: It was requested that the 'briefing on Teckal arrangements and Hoople Ltd' be provided in advance of the Scrutiny Management Board on 14 March 2023, as it was to consider an item on Hoople Ltd.

RESOLVED:

That the minutes of the meeting held on 31 October 2022 be confirmed as a correct record and be signed by the Chairperson.

53. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions had been received from members of the public.

54. QUESTIONS FROM COUNCILLORS

No questions had been received from councillors.

55. UPDATE ON INTERNAL AUDIT RECOMMENDATIONS

The committee considered a report on the progress of audit recommendations implementation. Attention was drawn to the further updates from the Children and Young People Directorate that had been circulated in the meeting room immediately prior to the start of the meeting ([link to the further updates](#)).

The Performance Team Lead introduced the report and drew attention to the following:

- i. In relation to recommendations that were overdue, paragraph 8 of the report (agenda page 24) should read 'These updates identified that 4 5 recommendations have since been completed and 23 remain outstanding', i.e. 19% had been completed.
- ii. In relation to recommendations due for completion between April 2022 and September 2022, 73% had been completed.
- iii. In relation to recommendations due for completion between October 2022 and March 2023, 63% had been completed or were on track to be completed within timescale. The committee was advised that there would be focus on historic overdue recommendations and on the mechanism to ensure that recommendations were reviewed regularly by directorates.

The Service Director, Education, Skills and Learning explained the further updates from the Children and Young People Directorate, the key points included: for EHC (Education, Health and Care) Plan – Annual Review, a review of the process had taken place and systems had been strengthened; for Support for Young People who are NEET (Not in Education, Employment, or Training), the March 2021 data demonstrated that Herefordshire (7.5%) compared favourably with the national level (9.3%) for those young people with SEND (Special Educational Needs and Disabilities) EHCP, and a target of 6.5% had been set; for EHCP Preparation for Adulthood, a specialist consultant had not been able to undertake the work and there would be further engagement with internal audit on quality assurance, informed by a recent peer review on SEND; and a business case to increase resources in line with demand had been prepared.

The principal matters raised during the discussion included:

1. A committee member made reference to a scrutiny task and finish group report on 'Review of Special Educational Needs and Disability Provision' ([link to the executive response](#)).
2. The Performance Team Lead commented that there was an improving position in terms of recommendations due for completion, and confirmed that further work would be undertaken on historic overdue recommendations.
3. There was a brief discussion about the potential for some actions with target dates at the end of the financial year to slip into the next municipal year. The Chairperson noted that there was a well-structured methodology for tracking the recommendations and updates. The Performance Team Lead offered to provide an update on the position to the end of December 2022 at a future briefing for committee members.

Resolved:

That the status of current audit recommendations has been reviewed.

56. ANNUAL REVIEW OF THE COUNCIL'S INFORMATION ACCESS AND INFORMATION GOVERNANCE REQUIREMENTS 2021/22

[Note: there was an adjournment for a few minutes due to a technical issue]

The committee considered a report on performance in the areas of complaints, data incidents and requests for information made to the council over the municipal year 2021/22.

The Complaints and Children's Rights Manager introduced the report and read out a statement from the Head of Information Compliance and Equality, the key points included:

- i. There had been a slight increase in Freedom of Information Act (FOI) and Environmental Information Regulations (EIR) requests compared to the previous municipal year, following an expected fall during the Covid-19 pandemic. Nevertheless, the local target of 95% of requests being answered within the statutory time limit was being met; this exceeded the Information Commissioner's Office (ICO) threshold of 90%.
- ii. 3 cases were referred to the ICO and the ICO upheld the decision of the council in each case.

- iii. The Information Governance Team continued to work with service areas to address issues and to publish as much data as possible; within the last 6 months, a disclosure log had been published to support the transparency agenda.
- iv. During the municipal year 2021/22, 204 requests were processed where individuals asked for personal data about themselves, representing a significant increase from the previous year, with most requests being for data held by the Children and Young People Directorate.
- v. The team had received 176 reports of data incidents during the municipal year 2021/22. Of these, 3 had met the threshold for reporting to the ICO but no action was taken against the council.
- vi. It was considered that the figures reflected that there were sound processes in place for reporting data incidents, there was a high level of awareness about data protection, and there was an open culture around reporting problems.

The principal matters raised during the discussion included:

1. With attention drawn to paragraphs 20 and 21 of the report (agenda page 68), the Complaints and Children's Rights Manager said that a response would be sought on the impact of: the mandatory data protection impact assessments for new programmes, projects or systems that involve processing of personal data; and the data protection officer service level agreement for self-funding schools.
2. It was reported that, subject to two appointments, the team was expected to have a full complement of staff in the near future.
3. There was a discussion about the wellbeing support available to staff. It was noted that the Scrutiny Management Board on 28 November 2022 was to consider an item on 'Herefordshire Council's Human Resources and Workforce Strategy' ([link to the item](#)).
4. The Complaints and Children's Rights Manager provided a brief overview of the operation of the Corporate Complaints Policy and Procedure, and of the separate Children's Representations and Complaints Policy and Procedure. It was reported that, following recent dialogue with the Corporate Director – Children and Young People, the intention was to process more complaints through the children's policy and revisions were being considered by Legal Services; the document would be approved by the Management Board / Corporate Leadership Team in due course.
5. With attention drawn to paragraph 22 of the report (agenda page 68/69), the Complaints and Children's Rights Manager advised that the Complaints Team would process the community trigger going forward, with each case being referred to the Community Safety Partnership to consider any action to be taken. The Chairperson suggested that a further breakdown be sought from the Community Safety Partnership about the outcomes in relation to the community trigger and what action had been taken in each instance, albeit recognising that some details may be confidential.

The committee was advised that statutory community safety and policing scrutiny powers were within the remit of the Connected Communities Scrutiny Committee and that the meeting on 13 February 2023 was to consider an item on the Community Safety Partnership ([link to the agenda](#)). The Chairperson said that they would write to their counterpart on the scrutiny committee about the community trigger.

Resolved:

That the information set out in the report regarding requests for information, data protection compliance and complaints over the past year has been reviewed.

Action(s):

- Action 181: That the Information Governance Team provide further details on the impact of: the mandatory data protection impact assessments for new programmes, projects or systems that involve processing of personal data; and the data protection officer service level agreement for self-funding schools.
- Action 182: That a further breakdown be sought from the Community Safety Partnership about the outcomes in relation to the community trigger and what action had been taken in each instance.
- Action 183: The Chairperson write to the Chairperson of the Connected Communities Scrutiny Committee about the community trigger.

57. WHISTLEBLOWING POLICY REVIEW

The committee considered a report on the position with whistleblowing complaints to date and on the proposed further review of the current Whistleblowing Policy.

The Interim Head of Legal Services introduced the report and drew attention to the following:

- i. A review of the Whistleblowing Policy had been considered by the committee on 24 November 2021 ([link to the item](#)).
- ii. In view of experiences in operating the policy and of the recommendations of an external investigator, it was considered that a further review was needed in order to focus and simplify the policy, supported by more guidance and procedures.
- iii. The policy demonstrated that the council was open and supportive of people making disclosures, and the process provided the organisation with the opportunity to address issues and risks.
- iv. A further report would be provided to the next meeting; this would include exploration of the options for an external specialist whistleblowing facility, commonly called a 'whistleblowing hotline'.
- v. Enhanced documentation, including the use of flowcharts, should ensure consistency, particularly given recent levels of staff turnover.
- vi. It was understood that 6 complaints had been received to date during 2022/23; 4 in the Children and Young People Directorate, 1 in Social Care, and 1 in relation to employee conduct.

The principal matters raised during the discussion included:

1. The Chairperson noted: 'the ability for staff to make disclosures to a senior officer at Buckinghamshire Council' and that '2 disclosures have come via this route' (paragraph 5, agenda page 72), indicating that some staff members were perhaps more comfortable with an externalised facility; the involvement of a specialist organisation could help with the robustness of the process; and, given the

relatively small number of complaints each year, it was difficult to draw statistically valid correlations.

2. In response to questions from a committee member, the Interim Head of Legal Services commented: it was acknowledged that a small number of complaints could indicate that some people may not have confidence in the system; whistleblowing disclosures involving serious matters were being put out to external investigators; many specialist organisations had dedicated logging systems for this process; and assurance could not be given that the figures were absolutely correct due to staff turnover and the limitations of the current system.

In response to further questions, the committee was advised that a wider group of staff were now involved to avoid a single point of failure, there was a project group, an assurance was given that the figures from this point onwards would be accurate, and the review would strengthen the approach.

3. It was noted that specialist organisations were well placed to provide support to people making disclosures, and there was an employee assistance programme in place to help staff deal with personal or professional problems.

Resolved: That

- a) **The position with whistleblowing complaints to date be noted, including the caution expressed by the monitoring officer in respect of the complaints data; and**
- b) **A further review of the current Whistleblowing Policy be agreed, with the outcome of this review to be presented for consideration by the committee at its next meeting.**

58. WORK PROGRAMME

The work programme was considered. It was noted that the further review of the Whistleblowing Policy would be an additional item.

RESOLVED

That the updated work programme be agreed.

59. DATE OF NEXT MEETING

The date of the next meeting was noted as [Monday 30 January 2023](#).

[Note: following the meeting, the start time was brought forward from 11.00 am to 10.15 am]

The meeting ended at 12.57 pm

Chairperson