

Report to: **Audit and Best Value Scrutiny Committee**

Date: **8 July 2009**

By: **Director of Law and Personnel**

Title of report: **Assessment of the Corporate Governance Framework and Corporate Assurance Statement for 2008-09**

Purpose of report: **To consider the Monitoring Officer's draft report to the Governance Committee giving the Annual Assessment of the Corporate Governance Framework and Corporate Assurance Statement for 2008-09 in line with the responsibilities set out in its terms of reference**

RECOMMENDATIONS: The Committee is asked to:

- (1) note the report to the Governance Committee and its appendices; and**
 - (2) confirm whether there are any changes to the report that the Committee wishes to recommend to the Governance Committee**
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1. Financial Appraisal

1.1 There are no direct financial implications arising from this report

2. Supporting Information

2.1 Under its terms of reference, it is the role of this Committee to: "To review the Council's assurance statements, including the Annual governance Statement, ensuring that they properly reflect the risk environment, and any actions required to improve it"

2.2 The Council publishes its Annual Governance Statement (AGS) which meets the requirements of the Statement of Internal Control (SIC) as part of the statement of accounts. It is also reported separately to Governance Committee as part of the Monitoring Officer's Annual Assessment of the Corporate Governance Framework.

2.3 The AGS is usually considered by the Audit and Best Value Scrutiny Committee prior to its submission to the Governance Committee. This year the constraints of the Committee timetable, as a result of the combined elections, meant that the AGS was considered by the Governance Committee on 10 June. It was, however, circulated to the Audit and Best Value Scrutiny Members and any comments received were incorporated into the report.

2.4 The Governance Committee report is attached as an appendix and can be updated further to include any issues raised at this meeting. In reviewing the AGS and the Monitoring Officer's report, Members should consider whether they properly reflect the Council's risk and internal control environment, and whether the improvements set out in the action plan address any weaknesses identified in the Council's governance arrangements.

ANDREW OGDEN
Director of Law and Personnel

Contact Officer Mary Clarke Tel: 01273 481587

Local Member: All

BACKGROUND DOCUMENTS None

Committee: **Governance Committee**
Date: **10 June 2009**
Title of report: **Assessment of the Corporate Governance Framework for 2008-09**
By: **Director of Law and Personnel**
Purpose of report: **To (1) provide information on compliance with the Council's code of corporate governance and any changes to it that may be necessary to maintain it and ensure its effectiveness in practice; and (2) gain approval of the Council's Annual Governance Statement in compliance with the requirements of the Accounts and Audit Regulations 2003 (as amended) in relation to statements of internal control.**

RECOMMENDATIONS:

- **To note the action taken over the last twelve months to address the issues in last year's action plan and to approve the action plan for the next year;**
 - **To confirm that Members are satisfied with the level of assurance provided to them through this report and the Council's governance framework and processes;**
 - **To note any concerns raised by the Audit and Best Value Scrutiny Committee members;**
 - **To identify any significant governance issues that should be included in the Council's Annual Governance statement; and**
 - **To approve the Annual Governance Statement for signature by the Leader and the Chief Executive and publication within the Statement of Accounts.**
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1. Financial Implications

1.1 There are no direct financial implications arising from this report. Officer time will be required to achieve the improvements identified in the Annual Governance Statement and the attached action plan.

2. Supporting Information

2.1 The Corporate Governance framework reflects both legislative and regulatory change and is based on revised guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Chief Executives and Senior Managers (SOLACE).

2.2 The Accounts and Audit Regulations 2003 (as amended) require the Council to ensure that it has in place a sound system of internal control which facilitates the effective exercise of its functions and which includes arrangements for risk management. The Council is required to conduct an annual review of the effectiveness of its system of internal control and to include a statement on internal control (SIC), prepared in accordance with proper practice, in its Statement of Accounts.

2.3 The production of an Annual Governance Statement is the final stage of an ongoing process of review of our governance arrangements including risk management and internal control. In summary the process must involve an organisation reviewing the adequacy of its governance arrangements, developing an action plan for improving those arrangements and communicating the framework to users and stakeholders.

2.4 This report has been circulated to the Audit and Best Value Committee members. Their comments have been incorporated into this report and they will discuss it in full when they meet on 8 July.

3. Assessment of the Corporate Governance Framework for 2008-09

3.1 The Council's corporate governance framework is underpinned by a number of key documents and processes. These are summarised in section 4 of the Annual Governance Statement (Appendix 5).

3.2 The main policies and strategies that make up the Council's corporate governance framework are set out in the Local Code and are attached as Appendix 1 to this report.

3.3 Following an assessment of the corporate governance framework for 2007-08 an improvement plan was put in place and a summary of the action taken is attached as Appendix 2.

3.4 The Monitoring Officer has undertaken a review of the Council's governance arrangements for 2008/09. This review process is summarised in Appendix 3. Each document or process in the framework has been assessed and named officers have been required to provide an assurance as to whether the document is being complied with, the level of awareness of the document amongst staff and stakeholders, whether it reflects Council policy and best practice, and arrangements for reviewing it. Where further improvements are identified these are set out in an action plan for 2009/10 in Appendix 4.

3.5 In addition all Chief Officers have signed their own Directorate Assurance Statement confirming that proper governance arrangements, effective risk management and a sound system of internal control are in place within their department. They are also asked to identify any exceptions and any actions being taken to address them.

3.6 The overall Corporate Governance assessment and review of effectiveness has also been informed by the sources of assurance set out in section 3 of the Annual Governance Statement (Appendix 5). As part of the assurance gathering process, the Corporate Governance Group also took account of the CIPFA/SOLACE guidance on corporate governance which is reflected in the Local Code.

3.7 Evidence shows that the Council continues to have in place good arrangements for corporate governance and that they are working effectively.

4. Annual Governance Statement

4.1 An Annual Governance Statement from the Leader of the Council and the Chief Executive is included at Appendix 5. It includes the mandatory disclosure of any significant governance issues identified through the Council's governance and internal control arrangements.

4.2 Sound Corporate Governance is crucial for the assessment of effectiveness of the Council providing leadership, direction and control. It is important that members are aware of the documents and activities that work together to provide assurances about the Council's Governance measures in place.

5. Use of Resources

5.1 The Council has maintained its score of 4/4 for internal control, risk management, governance and probity as part of the Audit Commission's CPA Use of Resources assessment for 2008.

5.3 Gaining 4/4 is described as "performing strongly - well above minimum requirements". In order to score a 4, as well as meeting mandatory criteria and most criteria at levels 3 and 4 you also have to demonstrate "notable practice" and we submitted the work of the Corporate Governance Group to support this.

ANDREW OGDEN (Director of Law and Personnel)

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Local Member: All

BACKGROUND DOCUMENTS: Pro formas returned by document "owners" setting out advising on whether the various codes, policies and strategies are being complied with.

Local Code of Corporate Governance – key policies and processes

Policy or process	Purpose, vision & outcomes	Purpose, functions and roles	Values, good governance, conduct & behaviour	Decisions, value for money, scrutiny & risk management	Capacity & capability	Engagement & accountability
Local Area Agreement	✓	✓				✓
Sustainable Community Strategy (Pride of Place)	✓	✓			✓	✓
Reconciling Policy and Resources	✓	✓				✓
Council Plan	✓	✓				✓
Contract Standing Orders	✓		✓	✓		
Risk Management Strategy	✓		✓	✓		
Communications Strategy	✓				✓	✓
Medium Term Financial Plan	✓					
Corporate Complaints Policy	✓		✓	✓		✓
Performance Management	✓	✓	✓		✓	
Partnerships Guidance	✓	✓	✓	✓		
Statement of Accounts	✓					✓
Constitution		✓	✓	✓		✓
Business Continuity Plan		✓	✓	✓		
Consultation and Engagement Strategy		✓			✓	✓
Employee Policies and procedures		✓	✓		✓	
Scheme of Delegation		✓	✓			
Code on Officer / Member relations		✓	✓	✓		
Guidance to members on outside organisations		✓	✓	✓		
Code of Conduct for Employees			✓	✓		
Code of Conduct for Members			✓	✓		
Equalities Scheme and Policies			✓			✓
Anti Fraud & Corruption Strategy			✓			

Policy or process	Purpose, vision & outcomes	Purpose, functions and roles	Values, good governance, conduct & behaviour	Decisions, value for money, scrutiny & risk management	Capacity & capability	Engagement & accountability
Confidential Reporting (Whistle-blowing) Policy			✓	✓		✓
Anti Money Laundering Policy			✓			
Financial Regulations & Standard Financial Procedures			✓	✓		
Training & Development Strategy (Employees)			✓		✓	
Members Training & Development Plan			✓	✓	✓	
Health and Safety Policies & Procedures			✓	✓		
Project Management Toolkit			✓	✓		
Tendering & contracting Procedures			✓	✓		
Consultancy Code			✓	✓		
Annual Internal Audit Report			✓	✓		
IT Security Policies			✓			
Data Protection Policy			✓			
Intellectual Property Guidance			✓			
Corporate Procurement Strategy, policies and guidance			✓	✓		
Overview and Scrutiny Procedures				✓		✓
Scheme for access of information				✓		✓
Freedom of Information Policy				✓		✓

Progress against Corporate Governance action plan 2008/09

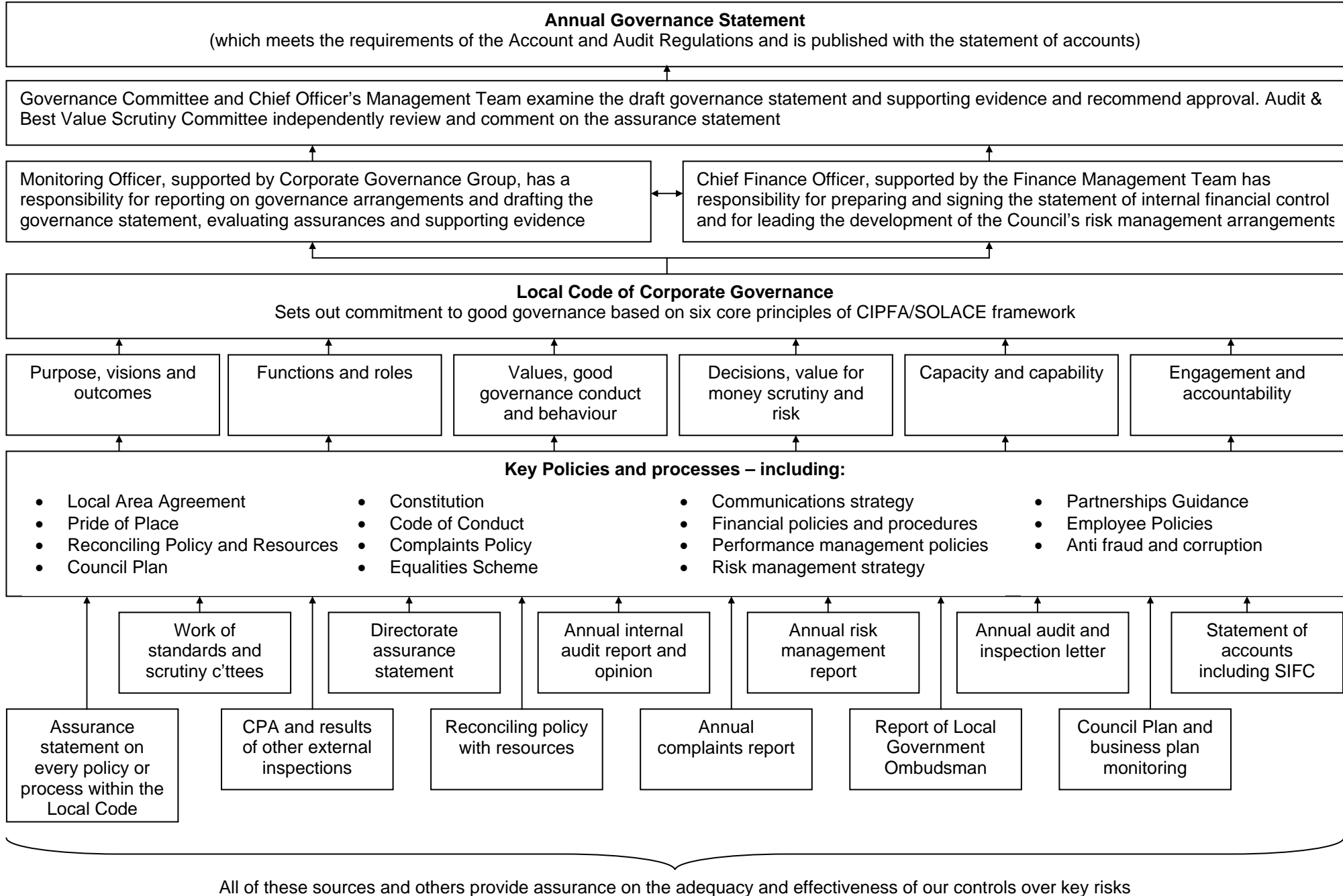
Improvement area	Target	Progress
Corporate Governance Framework	To review the Corporate Governance Framework subject to the guidance from CIPFA/SOLACE.	Revised Local Code of Corporate Governance consistent with latest CIPFA / SOLACE Guidance approved by Governance Committee 11 March 2008. No further guidance received and no issues raised in external auditor's Annual Governance Review for 2007/08. Governance arrangements achieved 4 / 4 for CPA Use of Resources 2008. Corporate Governance Group to consider impact of new legislation and guidance more generally on the Local Code.
Business Continuity Planning	To review the council's Business Continuity (BC) plans and BC communications strategy with the longer term view of bringing them in line with BS25999. With other Sussex local authorities, identify appropriate ways to further promote Business Continuity into the wider community.	The Business Continuity planning process has been the subject of internal audit and the resulting management actions have been agreed by the BC Response Team, these will form part of the 09/10 programme. A Draft corporate communications plan for use during a BC incident has been produced and is being reviewed by Communications, final plan will be circulated in July 09. A "Lite Bite" session for managers has been developed and is ready for roll out, programme to be agreed with Personnel. A Business Continuity DVD for SME's has been produced and was launched at the Sussex Enterprise annual conference and exhibition in Brighton on the 14 th of October. We had a stand at this event in conjunction with WSCC and BHCC to promote BC. A conference for Town and Parish Council Emergency Teams was held at East Sussex National on 28 th October 08 and this included a Business Continuity awareness stand.
'Pride of Place' The East Sussex Community Strategy	Complete and publish the sustainable community strategy in partnership with others including the borough and district councils.	The Pride of Place countywide action plan was approved by ESSP in March and work is underway to develop detailed delivery plans for the 15 highly strategic actions contained within it. Work is also in hand to review Pride of Place theme by theme, in some cases in collaboration with countywide thematic partnerships such as the Children and Young People's Trust. The first review reports are due in July.

Complaints procedure	To review the management of and procedures for corporate complaints handling in line with the customer focus framework.	Improvements to complaints handling and monitoring have included the publication of a new corporate complaints leaflet, quarterly reporting by Departmental Management Teams, and plans in place to improve the complaints pages on our internet.
Equalities and Diversity	To review the Council's approach to equalities and diversity.	The Equalities policy officer has been appointed and a new single equalities scheme is being developed to make sure that the council as a whole complies with equalities legislation and the equalities framework for local government.
Communications	Deliver the Internal Communications Strategy to ensure the consistent communication of corporate information to staff, and to support departmental information-sharing processes.	The improved intranet went online in September 08 with a new homepage carrying relevant and timely news and information for all staff. COMT Brief was established as corporate management briefing system; email controls in place to better channel manage distribution of information; Internal Communications Strategy reviewed and updated following results of Staff Survey; internal communications group established with representatives from all departments; Members' communications group established and action plan devised to improve communications; closer working between Internal Communications Manager and Personnel and Training team. The new Internal Communications Manager was appointed and started on the 2 February.

<p>Improvements to Anti-Fraud and Corruption arrangements and Whistleblowing</p>	<p>To deliver targeted improvements in anti-fraud and corruption arrangements and Whistleblowing including raising staff awareness of the contents of the policies.</p>	<p>Awareness raising activities to date include publication of a new leaflet to all staff with October 2008 payslips entitled 'Don't Turn a Blind Eye – Tacking fraud, corruption and other wrongdoing'. This is has been supplemented with additional guidance for managers on how to correctly respond when receiving such reports. Work is now underway to develop something similar for school based staff which is expected to be issued in the first half of 2009/10. Other anti fraud and corruption activity includes the development of a joint working protocol between Internal Audit and Personnel and Training where investigations are required and new systems for handling and monitoring allegations received. The previous fraud hotline has now been replaced with a new 'confidential reporting hotline' to facilitate more effective handling of all forms of allegation. Three members of staff (two from Internal Audit and one from PAT) are commencing professional investigations training through the CIPFA Certificate in Investigative Practices and a dedicated fraud and corruption risk assessment is currently being carried out to inform 2009/10 audit planning. Anti-fraud and corruption arrangements scored 4 / 4 in CPA Use of Resources 2008.</p>
<p>Corporate Health and Safety</p>	<p>To review the corporate health and safety management including the health and safety values within the organisation.</p>	<p>An initial report on safety values was taken to COMT in July 2008. Following the discussion at COMT, it was determined that a full review of safety management arrangements within the Council would be desirable. This review is to be carried out during 2009, with external input and advice as deemed appropriate. The aim of the review is to produce a five year strategy for safety management, which will be considered by COMT and Governance in late 2009.</p> <p>The annual Health and Safety Update report was presented to Governance Committee on the 10 March 2009.</p>
<p>Local Government and Public Involvement in Health Act</p>	<p>Revision of constitution, executive arrangements and delegations to meet requirements of the Act.</p>	<p>Executive arrangements to change from June 2009 to New Style Leader and Cabinet. The Constitution has been revised and was agreed by the Governance Committee on the 10 March. It will be implemented immediately following the elections.</p>

<p>Information Security</p>	<p>Review the Council's information security policy and put in place consistent and robust approaches to information security.</p>	<p>Data in Transit policy has now been formally adopted at County Council and has been launched. Members briefing being prepared.</p> <p>Assessment of the quotes/technical returns received for the End-Point Control and Secure Email technical solutions currently being evaluated prior to shortlisting.</p> <p>3rd party assurance work now progressing in all departments with nominated representatives.</p> <p>Payment Card Industry Data Security Standard (PCI DSS) – Payment Card Information Security Policy has been approved by the Deputy Director of Corporate Resources and will shortly be launched to East Sussex County Council staff with supporting docs to enable the council to comply with the PCI DSS. The policy (as a template) and supporting docs have gone out to schools for their adoption.</p> <p>Government Connect Secure Extranet (GCSx) submissions made and feedback indicates June 30 as earliest for compliance. Still some risks around unfunded requirements for compliance – work going ahead to reprioritise based on feedback. 3rd submission due in week commencing 27.04.09.</p> <p>National Health Service connection (N3) – compliance statement in place, all Adult Social Care staff have been informed of the new documentation on the intranet. The toolkit has been submitted – Chief Executive to complete the paperwork necessary for the Information Governance Statement of Compliance application.</p>
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ESCC Framework for the Annual Governance Statement



Appendix 4

These are existing targets for the previous year. ACTION: to agree which should remain

Action Plan 2009/10

Improvement area	Target	Department responsible
Corporate Governance Framework	To review the Corporate Governance Framework subject to the guidance from CIPFA/SOLACE.	Law and Personnel
Business Continuity (BC) Planning	To review and update the corporate Business Continuity plan in line with BS25999. With other Sussex local authorities, continue to identify appropriate ways to further promote Business Continuity into the wider community.	Law and Personnel
Complaints procedure	To review the management of and procedures for corporate complaints handling in line with the customer focus framework and to develop a corporate complaints recording system.	Law and Personnel
Equalities and Diversity	To understand and take action on the nature and extent of disadvantage and equality within East Sussex County and implement Corporate Equality Impact Assessments. To apply the new Equality Framework for Local Government to ensure improvement against local and national indicators and compliance with legislation	Policy and Communications
Corporate Health and Safety	To review the corporate health and safety management including the health and safety values within the organisation. To improve the level of attendance and well-being of staff. To reduce the likelihood of ill-health retirement and ill-health absences.	Law and Personnel

Local Government and Public Involvement in Health Act	Implement revised constitution and new executive arrangements. Review constitution where it relates to the Community call for Action and handling of petitions.	Law and Personnel
Information Security	Review the Council's information security policy and put in place appropriate technologies and support to enable protection of sensitive data whilst in transit.	Corporate Resources
Scheme of delegations	To update the internal schemes of delegations from Chief Officers to other Officers within the departments	Law and Personnel
Induction of Councillors	To make sure that all Councillors receive an appropriate induction and support following the elections on the 4 June 2009	Law and Personnel

East Sussex County Council**Annual Governance Statement for the year ended 31 March 2009****1. Scope of responsibility**

East Sussex County Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The County Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised. In discharging this overall responsibility, members and senior officers are responsible for putting in place proper arrangements for the governance of the County Council's affairs, the effective exercise of its functions, the management of risk and the stewardship of the resources at its disposal. To this end, East Sussex County Council has approved and adopted a Local Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework Delivering Good Governance in Local Government. A copy of the Local Code is on our website at www.eastsussexcc.gov.uk or can be obtained from the Council's Monitoring Officer. This statement also sets out how the County Council has complied with its Local Code and also meets the requirements of the Accounts and Audit Regulations 2003 (as amended) for the publication of a statement on internal control.

2. Purpose of the governance framework

Good governance is about how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. Our governance framework comprises the systems, processes, culture and values by which the Council is directed and controlled. Through effective governance the Council is accountable to, engages with and, where appropriate, leads the community.

The code of corporate governance can provide only reasonable and not absolute assurance that the Council achieves its aim of good governance. Equally the County Council's system of internal control is designed to identify and prioritise the risks to the achievement our policies, aims and objectives, to evaluate the likelihood and impact of those risks being realised and to manage those risks efficiently, effectively and economically. It cannot eliminate all risk of failure; it can therefore only provide reasonable and not absolute assurance that our policies, aims and objectives are achieved.

The Local Code of Corporate Governance and the system of internal control have been in place at East Sussex County Council for the year ended 31 March 2009 and up to the date of the approval of the statement of accounts.

3. Review of effectiveness

East Sussex County Council reviews the effectiveness of its governance arrangements, including its system of internal control, on an ongoing basis. This review of effectiveness is informed by:

- the work of Members through the Cabinet, Committees including Governance Committee, Standards Committee, Audit and Best Value Scrutiny Committee, Scrutiny Committees generally and the full Council;
- the work of Chief Officers and managers within the Council, who have primary responsibility for the development and maintenance of the internal control environment;
- the work of the Deputy Chief Executive and Director of Corporate Resources (as Chief Financial Officer) and the Financial Management Team and the Statement of Internal Financial Control;
- the work of the Monitoring Officer and the Corporate Governance Group;
- the annual risk management report and periodic review of strategic risks conducted by Chief Officers;
- the work of the internal audit service including their annual report and opinion;
- the external auditors in their audit and inspection annual letter and annual governance report;

- the Audit Commission's Comprehensive Performance Assessment where the Council's governance and internal control arrangements achieved a top rating of 4 out of 4;
- the judgements of a range of external inspection and other statutory bodies including the Local Government Ombudsman and the Standards Board for England

4. Key elements of the governance and internal control environments

The key elements that comprise the Council's governance arrangements are set out in the Local Code and they include:

- a Community Strategy and Council Plan that set out our vision for the community and the outcomes we intend to achieve;
- an established medium term planning process including the process for reconciling policy priorities with financial resources, which takes account of the need to improve both customer focus and efficiency;
- a business planning and performance management framework which includes setting clear objectives and targets, both financial and otherwise;
- regular reporting of performance against the Council's key objectives, as set out in the Council Plan, to officers and Members;
- established budgeting systems, clear budget management guidance and regular reporting of financial performance against budget forecasts to officers and Members;
- financial management structures which promote ownership of financial issues within service departments;
- the Council's constitution which sets out clear arrangements for decision making, scrutiny, communication and the delegation of powers to officers and Members;
- codes of conduct for Members and employees which set out clear expectations for standards of behaviour;
- a clear framework for financial governance based on Contract Standing Orders, Financial Regulations and Standard Financial Procedures;
- a risk management strategy and detailed risk management framework, which takes account of both strategic and operational risks and ensures that they are appropriately managed and controlled;
- Member committees with clear responsibilities for governance, audit and standards
- established arrangements for dealing with complaints and whistle-blowing, and combating fraud and corruption;
- schemes for identifying the development needs of Members and officers, supported by appropriate training;
- strategies for communication and consultation with the people of East Sussex and our key stakeholders;
- clear guidance that promotes good governance in our partnership working;
- a range of policies and processes designed to ensure best practice and legal compliance for personnel matters, ICT security, access to information, data protection and project management.

5. Assurance and Significant Governance Issues

No assurance can ever be absolute; however this statement seeks to provide a reasonable assurance that there are no significant weaknesses in the County Council's governance arrangements. On the basis of the review of the sources of assurance set out in this statement, we are satisfied that the County Council has in place satisfactory governance arrangements, including a satisfactory system of internal control, both of which are operating effectively.

As part of our review, we have not identified any gaps in assurance over key risks or significant governance issues.

The Council will continue to regularly monitor issues that may seriously prejudice or prevent achievement of its key objectives through its strategic risk review process

Both governance and internal control arrangements must be kept under review to ensure that they continue to operate effectively and meet changing legislative needs, reflect best practice and our

intention to achieve excellence in all our activities. The Council has identified a number of areas where it wishes to enhance its governance arrangements, as follows:

- To review the Corporate Governance Framework subject to the guidance from CIPFA/SOLACE
- To review and update the corporate Business Continuity plan in line with BS25999.
- With other Sussex local authorities, continue to identify appropriate ways to further promote Business Continuity into the wider community.
- To review the management of and procedures for corporate complaints handling in line with the customer focus framework and to develop a corporate complaints recording system.
- To understand and take action on the nature and extent of disadvantage and equality within East Sussex County and implement Corporate Equality Impact Assessments
- To apply the new Equality Framework for Local Government to ensure improvement against local and national indicators and compliance with legislation
- To review the corporate health and safety management including the health and safety values within the organisation.
- To improve the level of attendance and well-being of staff.
- To reduce the likelihood of ill-health retirement and ill-health absences
- To implement the revised constitution and new executive arrangements.
- To review the constitution where it relates to the Community Call for Action and handling of petitions.
- To review the Council's information security policy and put in place consistent and robust approaches to information security.
- To update the internal schemes of delegations from Chief Officers to other Officers within the departments
- To make sure that all Councillors receive an appropriate induction and support following the elections on the 4 June 2009

Actions plans are in place to address these issues, and their implementation will be monitored and reviewed during the year.

Cllr Peter Jones, Leader
Cheryl Miller, Chief Executive
10 June 2009