Report to: Audit and Best Value Scrutiny Committee

Date: 2 June 2010

By: Monitoring Officer

Title of report: Assessment of the Corporate Governance Framework and Corporate

**Assurance Statement for 2009-10** 

Purpose of report: To consider the Monitoring Officer's draft report to the Governance

Committee given the Annual Assessment of the Corporate Governance Framework and Corporate Assurance Statement for 2009-10 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.

# 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 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 indentified in the Council's governance arrangements.

PHILIP BAKER
Monitoring Officer

Contact Officer: Duncan Savage Tel No. 01273 482330

Local Member: All

**BACKGROUND DOCUMENTS** 

None

Committee: Governance Committee

Date: **8 June 2010** 

Title of report: Assessment of the Corporate Governance Framework for 2009-10

By: Monitoring Officer

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.

# 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 will be discussed by Audit and Best Value Committee members when they meet on 2 June 2010 and any comments will be reported to Governance Committee.

# 3. Assessment of the Corporate Governance Framework for 2009-10

- 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 2008-09 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 2009/10. 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 2010/11 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 been assessed by its external auditor PKF as "performing well" (score of 3 / 4) for good governance, internal control and risk management as part of the Audit Commission's CAA Use of Resources assessment for 2009. In their Annual Audit Letter, PKF stated that:

"The Council recognises that good governance is essential to an effective community leadership role and there is a well established governance framework in place including processes to ensure that a strong ethics culture is maintained".

PHILIP BAKER (Monitoring Officer)

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Local Member: All

<u>BACKGROUND DOCUMENTS</u>: Pro formas returned by document "owners" setting out 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)	✓	<b>√</b>			<b>√</b>	<b>√</b>
Reconciling Policy and Resources	✓	✓				✓
Council Plan	✓	✓				✓
Contract Standing Orders	✓		✓	✓		
Risk Management Strategy	<b>✓</b>		✓	✓		
Communications Strategy	<b>√</b>				✓	✓
Medium Term Financial Plan	<b>√</b>					
Corporate Complaints Policy Performance	<b>√</b>		<b>√</b>	<b>✓</b>		<b>✓</b>
Management	<b>✓</b>	<b>√</b>	<b>√</b>		<b>✓</b>	
Partnerships Guidance	<b>✓</b>	<b>√</b>	<b>√</b>	<b>√</b>		
Statement of Accounts	<b>√</b>					✓
Constitution		✓	<b>√</b>	<b>√</b>		✓
Business Continuity Plan		<b>√</b>	<b>√</b>	<b>√</b>		
Consultation and Engagement Strategy		<b>√</b>			<b>√</b>	<b>✓</b>
Employee Policies and procedures		✓	✓		✓	
Scheme of Delegation		<b>√</b>	✓			
Code on Officer / Member relations		✓	✓	✓		
Guidance to members on outside organisations		<b>✓</b>	<b>✓</b>	<b>✓</b>		
Code of Conduct for Employees			✓	✓		
Code of Conduct for Members			✓	✓		
Equalities Scheme and Policies			✓			<b>√</b>
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			<b>V</b>	<b>√</b>		<b>√</b>
Anti Money Laundering Policy			✓			
Financial Regulations & Standard Financial Procedures			✓	<b>√</b>		
Training & Development Strategy (Employees)			<b>✓</b>		<b>✓</b>	
Members Training & Development Plan			<b>√</b>	✓	<b>√</b>	
Health and Safety Policies & Procedures			✓	✓		
Project Management Toolkit			✓	✓		
Tendering & contracting Procedures			✓	✓		
Consultancy Code			✓	✓		
Annual Internal Audit Report			✓	✓		
IT Security Policies			<b>√</b>			
Data Protection Policy			✓			
Intellectual Property Guidance			✓			
Corporate Procurement Strategy, policies and guidance			<b>✓</b>	<b>√</b>		
Overview and Scrutiny Procedures				✓		✓
Scheme for access of information				✓		<b>√</b>
Freedom of Information Policy				✓		✓

# Progress against Corporate Governance action plan 2009/10

Improvement area	Target	Action to date	Responsibility
Corporate Governance Framework	To review the Corporate Governance Framework subject to the guidance from CIPFA/SOLACE.	Local Code is compliant with current CIPFA / SOLACE guidance and best practice. Framework of key policies and processes is reviewed on an ongoing basis by the Corporate Governance Group to ensure it remains up to date.	Governance & Community Services
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.	Following a review of plans, all departmental plans have now been signed off. An internal audit review of Business Continuity highlighted areas requiring development, these have been accepted by the corporate BC team. The corporate BC team has also agreed to postpone accreditation to BS 25999 and to concentrate on alignment with the Cabinet Office good practice and expectation document. A BC coordinators working group has been formed to look at interdependencies between departments. The remote hosted BC software package being pioneered by KCC was demonstrated to the BC team. It was agreed not to pursue a software option at this stage but to monitor progress by Kent. We have also supported the Local Life show in Eastbourne in October promoting BC and flood awareness.	Governance & Community Services
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.	New webpage has been developed to make process easier and clearer for members of the public. An internal officer group has been established to share best practice and to ensure that there is consistency of approach across departments. More regular and detailed reporting of complaints and compliments is now provided to Chief Officers.  Corporate complaints systems have been reviewed and a Microsoft system has been developed and is currently being tested for implementation in the first quarter of 2010/2011.	Governance & Community Services

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	Trainers have completed a course delivered by the Corporate Equality Officer for Equality Impact Assessment Training to be available later in the year through the Training and Development Directory.  Equality Framework Self Assessment complete with Action plans have been discussed with all Departments and evidence is being catalogued to send to the Peer Assessors for our external assessment against Level 2 Achieving in July 2010.	Chief Executive
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.	A new suite of health and safety e-learning package 'Cylix' has now been launched and contains a comprehensive range of new training courses. Cylix is accessible to all staff members and will be rolled out to schools in June 2010.  Training needs assessment toolkit has been sent to all departments. The analysis tool will help teams identify training needs and prepare for further training courses.  COMT has agreed for further funding of the physiotherapy service. The appointment of two new physiotherapists is underway and service will shortly be continuing as normal.  Development work is underway to implement a new revised online accident reporting system.	Governance & Community Services

Local Government and Public Involvement in Health Act	Implement revised constitution and new executive arrangements.  Review constitution where it relates to the Councillor Call for Action and handling of petitions.	New constitution and executive arrangements implemented following the elections in June 2009.  An e-petitions package is being developed in advance of the legislation being introduced relating to the Council's duty to promote democracy  The Governance Committee on 4 September and full Council on 13 October 2009 agreed proposals for the provision to scrutinise crime and disorder, Councillor call for action and the Scrutiny of LAA targets.	Governance & Community Services
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# 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.

### Data in Transit

Completed rolling out encryption over the 1200 laptops in ESCC. This has been in 3 phases.

Vodafone negotiations are underway for encryption to Smartphones (PDAs) with an intention to pilot. Commercial element to this being worked on.

Contract variation acceptances (3<sup>rd</sup> party sign up to ESCC standards) progressing in priority order of the sensitivity of the data they hold.

Secure email system for sensitive and confidential is now live and in use across ESCC.

Encryption of removable media (USB, CD, DVD etc) is development work in progress and ready to start testing.

Payment Card Industry Data Security Standard (PCI DSS) – Payment Card Information Security Policy and procedures have been put in place and PCI DSS compliance has been achieved and formally signed off by our bank. Annual review scheduled started in March 2010.

Government Connect Secure Extranet (GCSx) – connection achieved Sept 2009, first annual audit in June 2010 now being worked on. New additional requirements are within the annual audit. Training and awareness sessions progressively rolling out to likely first users of the secure government network, including Sean Nolan and soon to go to the CEO.

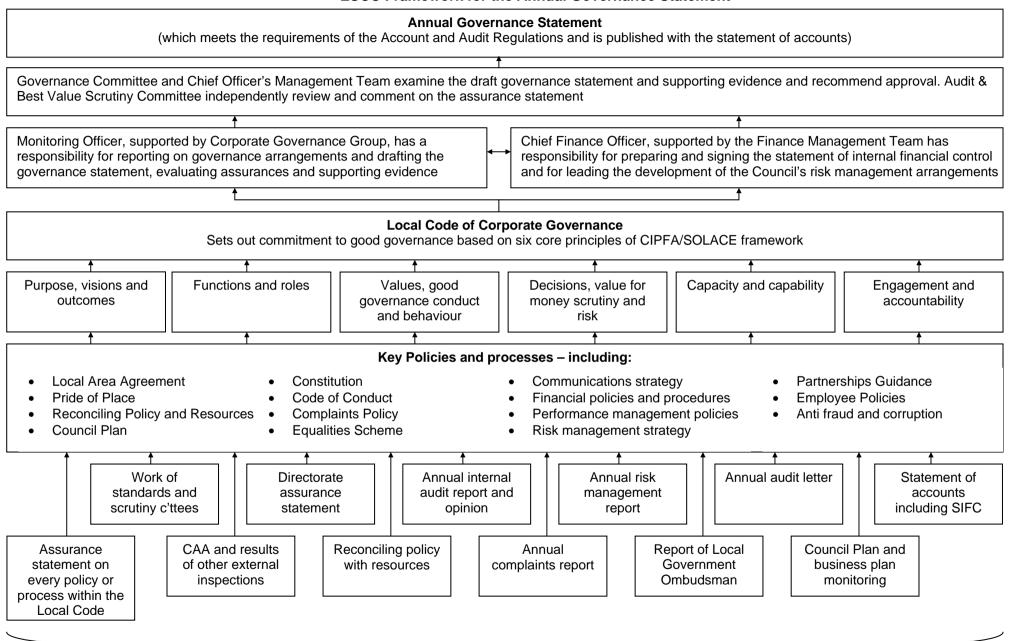
National Health Service connection (N3) remains in place, relevant security policies are in practice with ASC & CSD staff.

Information Governance 12 month post holder started on 12<sup>th</sup> April and is reporting to the AD ICT Services. He has met with key stakeholders and introduced first thoughts to EGSG of the Cabinet Office maturity matrix model we could be working through this year. The DCE & DCR will sponsor this new work stream. EGSG have called for reps from each department to belong to this work stream as well as existing role holders (eg DP, FOI officers).

Corporate Resources

Scheme of delegations	To update the internal schemes of delegations from Chief Officers to other Officers within the departments	The scheme of delegations in the handbook was updated as part of the Constitution review and departments have been asked to review their internal schemes to make sure they are up to date and that they conform with the changes to the schemes in the constitution.  The delegations within the Constitution are being reviewed in the light of the recent structure changes to the Chief executives Directorate. All changes will be in place by the 1 April.	Governance & Community Services
Induction of Councillors	To make sure that all Councillors receive an appropriate induction and support following the elections on the 4 June 2009	Since the elections a comprehensive development programme has been provided for all councillors. This has included a programme of briefings, written guidance notes, intranet information as well as a mentoring programme for new Councillors. A satisfaction survey is being conducted asking Councillors for their feedback on the induction and the feedback received to date has been excellent.	Governance & Community Services

#### **ESCC Framework for the Annual Governance Statement**



Improvement area	Target	Department responsible
Corporate Governance Framework	To review the Corporate Governance Framework to ensure that it remains up to date and reflects best practice.	Governance & Community Services
Transition to new senior management arrangements	To ensure that the transition to new senior management arrangements for the Chief Executive and other senior managers including the Monitoring Officer do not have a negative impact on the effectiveness of the County Council and its governance arrangements.	Chief Executive's Office / Governance & Community Services
Business Continuity (BC) Planning	To review and update the corporate Business Continuity plan in line with BS25999.	Governance & Community Services
Equalities and Diversity	To apply the new Equality Framework for Local Government (EFLG) to ensure improvement against local and national indicators and compliance with legislation and to be an "Achieving" authority against the EFLG by end of 2011/12	Chief Executive
Corporate Health and Safety	To carry out a full review of the Council's safety management arrangements, improving communication, awareness and compliance.	Governance & Community Services
	To improve the level of attendance and well being of staff at work by reducing the likelihood of ill-health absences and ill-health retirement	
	To improve health & safety compliance through the development of improved managers guidance documents.	
	To develop an electronic online accident reporting system to both improve the level of accident reporting and to generate detailed accident statistics.	
Information Governance	Improve the Council's information governance arrangements by:	Corporate Resources
	- Making available to all staff policy, protocol and tools to enable protection of sensitive data whilst in transit (i.e. outside of their normally secure location).	
	- Introducing an authentication process which will allow shared information between partner organizations by membership of the Government Connect, NHS N3 and Criminal Justice System programmes.	
	- Implementing and supporting appropriate technologies to support Data in Transit Policy.	

Partnership working	To raise awareness of the Council's partnership working guidelines across all departments.	Chief Executive
Use of Consultants	Develop and publish a toolkit to promote best practice in the use of consultants	Governance & Community Services
Safeguarding	To co-operate with partner agencies to deliver changes in the governance arrangements for the Local Safeguarding Children's Board in line with the recommendations made in the Laming Report	Children's Services
Local Government and Public Involvement in Health Act	Develop and implement processes for e-petitions and councillor call for action in line with proposals agreed by the Council in October 2009	Governance & Community Services

### Annual Governance Statement for the year ended 31 March 2010

# 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. 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 2010 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 annual letter and annual governance report;

- the Audit Commission's Comprehensive Performance Assessment where the Council's governance, risk management and internal control arrangements are assessed as "performing well":
- the judgements of a range of external inspection and other statutory bodies including the Local Government Ombudsman, the Standards Board for England, the Care Quality Commission and the Office for Standards in Education

# 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 to ensure that it remains up to date and reflects best practice;
- To ensure that the transition to new senior management arrangements for the Chief Executive and other senior managers including the Monitoring Officer do not have a negative impact on the effectiveness of the County Council and its governance arrangements;
- To review and update the corporate Business Continuity plan in line with BS25999;
- To apply the new Equality Framework for Local Government (EFLG) to ensure improvement against local and national indicators and compliance with legislation and to be an "Achieving" authority against the EFLG by end of 2011/12;
- To carry out a full review of the Council's safety management arrangements, improving communication, awareness and compliance.
- To improve the level of attendance and well being of staff at work by reducing the likelihood of ill-health absences and ill-health retirement
- To improve health & safety compliance through the development of improved managers guidance documents.
- To develop an electronic online accident reporting system to both improve the level of accident reporting and to generate detailed accident statistics.
- Improve the Council's information governance arrangements by:
  - Making available to all staff policy, protocol and tools to enable protection of sensitive data whilst in transit (i.e. outside of their normally secure location);
  - Introducing an authentication process which will allow shared information between partner organizations by membership of the Government Connect, NHS N3 and Criminal Justice System programmes;
  - Implementing and supporting appropriate technologies to support Data in Transit Policy:
- To raise awareness of the Council's partnership working guidelines across all departments;
- Develop and publish a toolkit to promote best practice in the use of consultants;
- To co-operate with partner agencies to deliver changes in the governance arrangements for the Local Safeguarding Children's Board in line with the recommendations made in the Laming Report;
- Develop and implement processes for e-petitions and councillor call for action in line with proposals agreed by the Council in October 2009.

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