

## CABINET MEETING – 5<sup>TH</sup> SEPTEMBER 2012

### EXECUTIVE SUMMARY SHEET – PART I

**Title of Report:**

Annual Review of Corporate Governance Arrangements

**Author(s):**

Executive Director of Commercial and Corporate Services

**Purpose of Report:**

To provide details of the findings of the 2011/12 Annual Governance Review

**Description of Decision:**

Cabinet is asked to:

- Consider and agree the draft Improvement Plan included at Appendix 1, and
- Consider and agree the draft Annual Governance Statement included at Appendix 2.

**Is the decision consistent with the Budget/Policy Framework?**      **Yes**

**If not, Council approval is required to change the Budget/Policy Framework**

**Suggested reason(s) for Decision:**

In order to comply with the Accounts and Audit Regulations 2011 and good practice guidance regarding Corporate Governance.

**Alternative options to be considered and recommended to be rejected:**

None available in view of the circumstances.

**Impacts analysed;**

Equality  Privacy  Sustainability  Crime and Disorder

**Is this a “Key Decision” as defined in the Constitution?**      **No**

**Is it included in the Forward Plan?**      **No**

**Scrutiny Committee**

The report has also been considered and accepted by the Audit and Governance Committee on 29<sup>th</sup> June 2012



**ANNUAL REVIEW OF CORPORATE GOVERNANCE ARRANGEMENTS**

**Report of Executive Director of Commercial and Corporate Services**

**1. Introduction**

- 1.1 This report provides details of the 2011/2012 Annual Governance Review. The findings of the review, draft improvement plan and draft annual governance statement were considered and accepted by the Audit and Governance Committee on 29<sup>th</sup> June 2012.

**2. Description of Decision**

- 2.1 Cabinet is asked to:

- Consider and agree the draft Improvement Plan included at Appendix 1, and
- Consider and agree the draft Annual Governance Statement included at Appendix 2.

**3. Background**

- 3.1 The Council has a local code of corporate governance (the Code) in place which sets out a framework which aims to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. The framework comprises the systems, processes, cultures and values through which the Council directs and controls its functions, and through which it accounts to, engages with and, where appropriate, leads, supports and empowers communities.

- 3.2 The framework is based upon the following six core principles:

- Focusing on the purpose of the authority and on improved outcomes for the local community and numerous communities within it (both geographical and of common interest); and creating and implementing a vision for the local area;
- Members and officers working together in the context of the local vision, to achieve a common purpose with clearly defined functions and roles;
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- Taking informed and transparent decisions which are subject to effective scrutiny, and managing risk;
- Developing the capacity and capability of members and officers to be effective;
- Engaging with local people and other stakeholders to ensure robust public accountability.

- 3.3 The Code states that the Council will conduct, at least annually, a review of the effectiveness of the corporate governance framework. The Council is also required to publish an Annual Governance Statement (AGS), which must be supported by a comprehensive assurance gathering process.

#### **4. 2011/2012 Annual Governance Review**

- 4.1 The review followed the methodology previously approved by Cabinet and was undertaken by the Corporate Risk and Assurance Group (CRAG), which is made up of senior staff from across all directorates, as well as relevant specialists.
- 4.2 The CRAG obtained and considered assurances provided by Executive Directors and a wide range of senior managers, and then considered whether current governance arrangements were adequate. A small number of improvements were identified to strengthen the arrangements and these are detailed at Appendix 1, and have been agreed by the Executive Management Team. These include a small number of actions to ensure governance arrangements and activity remain proactive and in place regarding emerging alternative service delivery models.
- 4.3 The Improvement Plan also includes a small number of areas that the Council is already addressing but inclusion in the plan will facilitate monitoring to ensure that the planned actions are delivered within a reasonable timeframe bearing in mind the importance / nature of the actions.
- 4.4 The Local Code of Corporate Governance was reviewed and it is considered that the core and supporting principles remain appropriate.

#### **5. Draft Annual Governance Statement**

- 5.1 The Annual Governance Statement has been drafted taking into account the findings of the annual governance review and is attached at Appendix 2.

#### **6. Review of Progress in relation to the 2010/2011 Corporate Governance Improvement Plan**

- 6.1 The improvement plan agreed following the 2010/2011 Corporate Governance Review included 13 actions. The CRAG reviewed progress on these actions and found that all were either complete or well progressed.

#### **7. Conclusion**

- 7.1 The Council continues to have robust and effective corporate governance arrangements in place. The views elicited during the review from Members, senior managers across the Council, and all Chief Officers, demonstrate that the principles of good governance continue to be embedded Council-wide. Whilst an Improvement Plan has been developed the review has not identified any weaknesses that would need to be highlighted in the Council's Annual Governance Statement.

## Appendix 1

### 2011/2012 Annual Review of Corporate Governance Arrangements - Improvement Plan for 2012/2013

Ref	Action	EMT Lead
1.	All appropriate teams should be involved at an early stage in the development of governance arrangements for Alternative Service Delivery Models (e.g. TPPO, legal, procurement, internal audit, risk and assurance, HR), including any external assistance where required.	Executive Director of Commercial and Corporate Services
2.	A corporate toolkit should be developed to assist those leading on the implementation of Alternative Service Delivery Models.	Executive Director of Commercial and Corporate Services
3.	The Partnerships Code of Practice should be updated to include appropriate guidance on Alternative Service Delivery Models.	Assistant Chief Executive
4.	The proposed Accountability Framework should encourage creativity and innovation within a risk aware organisation.	Director of Human Resources and Organisation Development
5.	The Integrated Assurance Framework should be implemented, including review of other assurance activity and the strengthening of managers responsibility for providing assurance.	Executive Director of Commercial and Corporate Services
6.	Clarity should be established regarding the Council's information governance responsibilities in relation to schools.	Executive Director of Commercial and Corporate Services
7.	The information governance risks associated with home working should be identified and assessed and clear guidance issued/implemented to manage the risks.	Executive Director of Commercial and Corporate Services
8.	New arrangements to be introduced in relation to the Members Code of Conduct and investigation / resolution of complaints / breaches.	Executive Director of Commercial and Corporate Services
9.	The services offered / traded with Schools need to be reviewed and co-ordinated to ensure that their design is appropriate and suitable. Alternative delivery models will be explored.	Executive Director of Children's Services
10.	Appropriate Governance arrangement should be put in place relating to the transfer of Public Health.	Assistant Chief Executive



## **Appendix 2**

### **2011/2012 Draft Annual Governance Statement**

#### **1. SCOPE OF RESPONSIBILITY**

Sunderland City 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 Council also has a duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The Council has approved and adopted a local Code of Corporate Governance in line with good practice. The Code is on the Council's website [\[here\]](#) or can be obtained from the Executive Director of Commercial and Corporate Services. This Statement explains how the Council has complied with its Code in 2011/12.

#### **2. THE PURPOSE OF THE GOVERNANCE FRAMEWORK**

The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and its activities through which it accounts to, engages with, and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness.

The governance framework has been in place at the Council for the year ended 31<sup>st</sup> March 2012 and up to the date of approval of the Annual Report and Statement of Accounts.

### **3. THE GOVERNANCE FRAMEWORK**

#### **3.1 There is a clear vision of the authority's purpose and intended outcomes for citizens and service users that is clearly communicated, both within the organisation and to external stakeholders:**

- The [Sunderland Strategy 2008-2025](#) provides the framework for members of the [Sunderland Partnership](#), organisations, groups of people and individuals, to work together to improve the quality of life in Sunderland by 2025. It sets out a Vision for the city and its people and how everyone will work together to achieve that Vision:

*“Creating a better future for everyone in Sunderland - Sunderland will be a welcoming, internationally recognised city where people have the opportunity to fulfil their aspirations for a healthy, safe and prosperous future.”*

- Underpinning the Sunderland Strategy are a number of groups, including:
  - Non Executive Board
  - Sunderland Innovation and Improvement Group
  - Education Leadership Board.
  - Economic Leadership Board
  - Health and Wellbeing Board
- In 2011 it was considered appropriate that the Sunderland Strategy be refreshed in the light of the new and emerging policy and performance management context being developed by the coalition Government.
- The Corporate Improvement Plan (CIP) for 2009/10 to 2011/12 is the Council's overarching Service Plan containing the plans of all of the Council's Portfolios. A range of service specific plans were in place during the year.

#### **3.2 Arrangements are in place to review the authority's vision and its implications for the authority's governance arrangements:**

- The annual strategic planning process, engagement and participation with residents, needs analysis and demographic information ensure the authority's vision remains relevant and meets the needs of local communities
- There are annual reviews of the local Sunderland Code of Corporate Governance to ensure that it is up to date and effective.



**3.3 Arrangements exist for measuring the quality of services for users, for ensuring they are delivered in accordance with the authority's objectives and for ensuring that they represent the best use of resources:**

- There are clear and effective performance management arrangements including staff appraisals for Directors and key staff, which address financial responsibilities.
- Services are delivered by suitably qualified / trained / experienced staff and all posts have detailed job profiles / descriptions and person specifications.

**3.4 The roles and responsibilities of the executive, non-executive, scrutiny and officer functions are clearly defined and documented, with clear delegation arrangements and protocols for effective communication:**

- A [Constitution](#) has been adopted which sets out how the Council operates and how decisions are made, and incorporates a clear delegation scheme. The Constitution indicates responsibilities for functions and sets out how decisions are made.
- During the year a system of scrutiny was in place allowing the scrutiny function to:
  - review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - make reports and/or recommendations to the full Council and/or the executive and/or any joint or area committee in connection with the discharge of any functions;
  - consider any matter affecting the area or its inhabitants; and
  - exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or area committees; and
  - consider Local Petitions and Councillor Calls for Action for matters within their terms of reference.
- Directorates have established delegation schemes, although these will require updating in some areas to reflect recent and ongoing organisational changes.

**3.5 Codes of Conduct defining the standards of behaviour for members and staff are in place, conform with appropriate ethical standards, and are communicated and embedded across the organisation:**

- The following are in place:
  - Members' Codes of Conduct;
  - Employees' Code of Conduct;
  - Protocol on Member/Employee Relations;
  - Protocol for Members in Relation to Development Control Matters;
  - Whistleblowing Policy;
  - Protocol for the use of Civic Cars;

- Protocol for Members in Relation to Licensing Matters;
- Protocol for Members and Voting Co-opted Members – Use of Council Resources and Equipment;
- Guidance for Members in Relation to the Use of Council ICT Facilities;
- Protocol for Use of Member Website;
- Data Protection: Guidance for Councillors;
- Remote Intranet/Internet Access for Members;
- Protocol in Relation to Members' Dealings with the Council;
- Registers of Interests, Gifts and Hospitality.

**3.6 Standing orders, standing financial instructions, a scheme of delegation and supporting procedure notes/manuals, which are reviewed and updated as appropriate, clearly define how decisions are taken and the processes and controls required to manage risks:**

- The Executive Director of Commercial and Corporate Services is the designated Chief Finance Officer in accordance with Section 151 of the Local Government Act 1972 and is responsible for ensuring lawfulness and financial prudence of decision making, and for the proper administration of the Council's financial affairs.
- The Head of Law and Governance is the Council's Monitoring Officer who has maintained an up to date version of the Constitution and has ensured lawfulness of decision making.
- The Council has in place up to date Procurement Procedure Rules and Financial Procedure Rules, which are subject to regular review.
- Written procedures are in place covering financial and administrative matters, as well as HR policies and procedures. These include:
  - Whistle Blowing Policy;
  - Anti Fraud and Corruption Policy;
  - Codes of Conduct;
  - Corporate Health and Safety Policy;
  - Corporate Complaints Policy;
  - Corporate Procurement Strategy;
  - Code of Practice for Partnerships;
  - Treasury Management Strategy;
  - Directorate / department budget management schemes.
- There are robust and well embedded risk management processes in place, including;
  - Member Risk Champion;
  - Risk Management Policy and Strategy;
  - Nominated Head of Service lead for Risk Management;
  - Corporate Risk Profile;
  - Corporate Risk and Assurance Group;
  - Risk Profiles for major projects and significant partnerships.

- There are comprehensive budgeting systems in place and a robust system of budgetary control, including formal quarterly and annual financial reports, which indicate financial performance against forecasts.
- Business Continuity Plans are in place, which are subject to ongoing review.
- There are clearly defined capital expenditure guidelines in place.
- Appropriate project management disciplines are utilised.
- The Council participates in the National Fraud Initiative.
- The Council has adopted and implemented the requirements of the Department for Work and Pensions Security Manual for the administration of Council Tax and Housing Benefit.
- Procedures are in place to ensure that the Dedicated Schools Grant is properly allocated to and used by schools in line with the terms of grant given by the Secretary of State under section 16 of the Education Act 2002.

### **3.7 The authority's financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).**

The Executive Director of Commercial and Corporate Services fulfils this role through the following:

- Attendance at meetings of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the Council's strategic objectives sustainably and in the public interest;
- Involvement in all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered;
- Alignment of medium term business and financial planning processes;
- Leading the promotion and delivery of good financial management by the whole organisation so that public money is safeguarded and used appropriately, economically, efficiently and effectively;
- Ensuring that the finance function is resourced to be fit for purpose.

### **3.8 The core functions of an audit committee, as identified in CIPFA's *Audit Committees – Practical Guidance for Local Authorities*, are undertaken by members.**

The Council has an Audit and Governance Committee which, as well as approving the Authority's Statement of Accounts, undertakes an assurance and advisory role to:

- consider the effectiveness of the authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and corruption arrangements and seek assurance that action is being taken on risk-related issues identified by auditors and inspectors;
- be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- receive and consider (but not direct) internal audit's strategy, plan and monitor performance;
- receive and consider the external audit plan;
- review a summary of internal audits, the main issues arising, and seek assurance that action has been taken where necessary;
- receive and consider the annual report of internal audit;
- consider the reports of external audit and inspection agencies, including the Annual Audit Letter;
- ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;
- review the external auditor's opinions and reports to members, and monitor management action in response to the issues raised by external audit; and
- make recommendations to Cabinet or Council as appropriate.

**3.9 Arrangements exist to ensure compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful. All Cabinet Reports are considered for legal issues before submission to members:**

- The Head of Law and Governance is the Council's designated Monitoring Officer and a protocol is in place with all Chief Officers, to safeguard the legality of all Council activities.
- The Council maintains an internal audit service. An independent review of its effectiveness has been undertaken which concluded that the service operates in accordance with professional standards.

### **3.10 Arrangements for whistle-blowing and for receiving and investigating complaints from the public are in place and are well publicised:**

- The Council is committed to establishing and maintaining effective reporting arrangements to ensure that, where an individual, whether an employee of the Council, a Councillor, or any member of the public, has concerns regarding the conduct of any aspect of the Council's business, they can do so through a variety of avenues, promptly and in a straight forward way.
- The framework in place to ensure the aims of this Policy are met are set out in two 'Whistle Blowing Policy Arrangements' documents, one for Council workers and one for members of the public.
- Monitoring records held by the Head of Law and Governance reveal that the whistle blowing arrangements are being used by both staff and the public, and that the Council is responding appropriately. The whistle blowing arrangements have assisted with the maintenance of a strong regime of internal control.

### **3.11 Arrangements exist for identifying the development needs of members and senior officers in relation to their strategic roles:**

- The Community Leadership Programme has continued to support elected Members to fulfil their community leadership role, including the introduction of Account Managers for all Members.
- The Council has a HR Strategy that identifies that the need to enable and support the organisation in managing the performance of all of its employees through effective policies, procedures and working practices is key to ensuring that the organisation meets the needs of the community. This includes assessing ability against requirements of the role, annual appraisal focusing on strengths and highlighting areas of weakness, job related training, and ongoing evaluation and includes the extent to which an employee understands and supports the values of the Council.

### **3.12 Clear channels of communication have been established with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation.**

- The Council has a Community Consultation Strategy which aims to ensure that consultation activity is effectively co-ordinated across the Council and with partner agencies, impacts on service delivery, and is delivered to a high standard.

**3.13 Governance arrangements with respect to partnerships and other group working incorporate good practice as identified by the Audit Commission's report on the governance of partnerships, and are reflected in the authority's overall governance arrangements:**

- The Council has published a Code of Practice for Partnerships which includes a template for Partnership Agreements and a range of checklists to ensure key risk areas are considered and addressed. The Code is designed to provide a corporate framework for all staff involved in considering new partnership working, and to assist Members and officers to review existing arrangements.
- A Register of Partnerships is maintained. The significance of partnerships is identified using an assessment scorecard recommended by CIPFA.

**4. REVIEW OF EFFECTIVENESS**

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of the effectiveness is informed by feedback from Members and the work of all senior managers within the authority who have responsibility for the development and maintenance of the governance environment, the Internal Audit Annual Report, and also by comments made by the external auditors and other review agencies and inspectorates. The process that has been applied in maintaining and reviewing the effectiveness of the system of internal control includes the following:

- The role of the Council:
  - Members have participated in the annual review of the Council's Corporate Governance arrangements;
  - The Leader of the Council, the Chief Executive and the Executive Director of Commercial and Corporate Services have overseen the review and signed the Annual Governance Statement.
- The role of the executive:
  - The findings of the Annual Governance Review have been reported to the Executive Management Team and Cabinet for their consideration and approval of the Annual Governance Statement.
- The role of the Audit and Governance Committee:
  - The findings of the Annual Governance Review have been reported to the Audit and Governance Committee. Under their Terms of Reference the Audit and Governance Committee have satisfied themselves that the Annual Governance Statement properly reflects the risk environment and any actions required to improve it.

- There is a system of scrutiny which allows the Scrutiny Committee to:
  - review decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - make reports and recommendations to the full Council, the executive, or any joint or area committee in connection with the discharge of any functions;
  - consider any matter affecting the area or its inhabitants; and
  - exercise the right to call-in, for reconsideration, decisions made but not yet implemented.
- The role of the Council's Standards Committee includes the following:
  - promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
  - monitoring the operation of the Members' Code of Conduct;
  - monitoring the operation of the Council's Anti-Fraud and Corruption Policy so far as it relates to the actions of Members of the Council;
  - considering reports and complaints relating to the conduct of Members of the Council;
  - supporting the Monitoring Officer in her role.
- The Executive Director of Commercial and Corporate Services (the Chief Financial Officer) has directed, co-ordinated and overseen the review.
- All Heads of Service have participated in the annual governance review through carrying out self-assessments relating to their areas of responsibility.
- All Chief Officers have provided Controls Assurance Statements relating to their area of responsibility, having considered the detailed self-assessments from their Heads of Service.
- Controls Assurance Statements have also been provided by senior officers responsible for relevant specialist areas.
- Internal audit planning processes include consultation with all Chief Officers and reviews of the Corporate Risk Profile. Audit work is risk based and includes risks in relation to the achievement of service objectives. Internal Audit Services carries out regular systematic auditing of key financial and non-financial systems. The Audit Commission have conducted a review of the effectiveness of Internal Audit Services and concluded that there are robust arrangements in place to comply with the standards of the 2006 CIPFA Code of Practice for Internal Audit.
- The Audit Commission's Annual Audit Letter for 2010/11 is very positive and provides an unqualified opinion on the financial statements and an unqualified VFM conclusion. The report confirms that the Council:
  - Has proper arrangements in place to ensure its financial resilience.
  - Has a history of good financial management, robust systems of corporate governance and internal control, and a strong record in the delivery of budgets.
  - Had prepared for the economic challenges facing public services through the Sunderland Way of Working.

- Is committed to improvements in service delivery and outcomes, and has also identified significant savings.
- Findings of external inspectorates are used to support continuous service improvement.
- The Council was awarded a 'Good' rating (for both quality of service and capacity for improvement) in the 2011/12 Ofsted Inspection of Safeguarding and Looked After Children services. A multi agency action plan has been developed to address the formal and informal areas for improvement.

Cabinet and the Audit and Governance Committee have advised us of the findings of the review of the effectiveness of the governance framework, and an improvement plan has been agreed.

We propose over the coming year to take steps to implement the improvement plan to further enhance the Council's governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in the review and we will monitor their implementation and operation as part of the next annual review.

Paul Watson  
Leader of the Council

Dave Smith  
Chief Executive

Malcolm Page  
Executive Director of  
Commercial and Corporate  
Services

Dated