



At: Pwyllgor Llywodraethu Corfforaethol Dyddiad: 19 Chwefror 2013  
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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR LLYWODRAETHU CORFFORAETHOL, DYDD MERCHER, 27 CHWEFROR 2013** am **9.30 am** yn **YSTAFELL BWLLGOR 1A, NEUADD Y SIR, RHUTHUN.**

Yn gywir iawn

G Williams  
Pennaeth Gwasanaethau Cyfreithiol a Democrataidd

## AGENDA

### RHAN 1 - GWAHODDIR Y WASG A'R CYHOEDD I'R RHAN HON O'R CYFARFOD

#### 1 YMDDIHEURIADAU

#### 2 DATGANIADAU O FUDDIANT

Aelodau i ddatgan unrhyw fuddiannau personol neu niweidiol mewn unrhyw fusnes sydd wedi ei nodi i'w ystyried yn y cyfarfod hwn.

#### 3 MATERION BRYG

Hysbysiad o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel mater o frys yn unol ag Adran 100B(4) Deddf Llywodraeth Leol 1972.

**4 COFNODION** (Tudalennau 5 - 14)

I dderbyn cofnodion cyfarfod y Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd ar Ionawr 9, 2013 (copi'n amgaeedig).

**5 LLYTHYR ASESU GWELLIANT SWYDDFA ARCHWILIO CYMRU**  
(Tudalennau 15 - 24)

I ystyried adroddiad gan y Rheolwr Gwella Corfforaethol (copi'n amgaeedig) yn cyflwyno'r Llythyr Asesu Gwelliant diweddaraf ar gyfer Cyngor Sir Ddinbych a roddwyd gan Swyddfa Archwilio Cymru ar Ionawr 28, 2013.

**9.40 a.m.**

**6 SWYDDOGAETH PENCAMPWYR** (Tudalennau 25 - 42)

I ystyried adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol a Democrataidd (copi'n amgaeedig) yn ceisio barn y pwyllgor ar y swyddogaethau gwahanol sydd wedi eu hawgrymu i'w hymgymryd gan y Pencampwyr Aelodau.

**10.05 a.m.**

**7 ADRODDIAD CYNNYDD ARCHWILIO MEWNOL** (Tudalennau 43 - 66)

I ystyried adroddiad gan Bennaeth y Gwasanaethau Archwilio Mewnol (copi'n amgaeedig) yn diweddarau aelodau ar gynnydd diweddaraf y Gwasanaeth Archwilio Mewnol o ran cyflenwi ei wasanaeth, darparu sicrwydd, adolygiadau a gwblhawyd, perfformiad ac effeithiolrwydd yn gyrru gwelliant.

**10.30 a.m.**

~~~~~ TORIAD ~~~~~

**8 CYNLLUN GWEITHREDU'R FFRAMWAITH LLYWODRAETHU  
CORFFORAETHOL** (Tudalennau 67 - 74)

I ystyried adroddiad gan Bennaeth y Gwasanaethau Archwilio Mewnol (copi'n amgaeedig) yn diweddarau aelodau ar y cynllun gweithredu diweddaraf a chynnydd o ganlyniad i'r adolygiad o fframwaith llywodraethu'r Cyngor a'r Datganiad Llywodraethu Blynyddol 2011/12.

**11.15 a.m.**

**9 POLISI'AU DEDDFWRIAETH GWYBODAETH** (Tudalennau 75 - 128)

I ystyried adroddiad gan y Dirprwy Swyddog Monitro (copi'n amgaeedig) yn cyflwyno Polisi'au Rhyddid Gwybodaeth a Diogelu Data drafft a adolygwyd.

**11.40 a.m.**

**10 RHAGLEN WAITH Y PWYLLGOR LLYWODRAETHU CORFFORAETHOL**  
(Tudalennau 129 - 130)

I ystyried blaenraglen waith y pwyllgor (copi'n amgaeedig).

## **RHAN 2 - EITEMAU CYFRINACHOL**

Dim eitemau.

### **AELODAETH**

#### **Y Cynghorwyr**

Raymond Bartley  
Stuart Davies  
Martyn Holland

Gwyneth Kensler  
Jason McLellan  
David Simmons

#### **Aelod Lleyg**

Paul Whitham

### **COPIAU I'R:**

Holl Gynghorwyr er gwybodaeth  
Y Wasg a'r Llyfrgelloedd  
Cyngorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

## PWYLLGOR LLYWODRAETHU CORFFORAETHOL

Cofnodion cyfarfod o'r Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd yn YSTAFELL BWLLGOR 1A, NEUADD Y SIR, RHUTHUN, Dydd Mercher, 9 Ionawr 2013 am 9.30 am.

### YN BRESENNOL

Y Cynghorwyr Raymond Bartley, Stuart Davies, Martyn Holland, Jason McLellan (Cadeirydd) a David Simmons ynghyd â'r Aelod Lleyg Paul Whitham

### HEFYD YN BRESENNOL

Cyfarwyddwr Corfforaethol: Moderneiddio a Lles (SE), Pennaeth Gwasanaethau Cyfreithiol a Democrataidd (RGW), Pennaeth Gwasanaethau Archwilio Mewnol (IB), Rheolwr Archwilio (BS), Pennaeth Cyllid ac Asedau (PM), Cyfrifydd Technegol (RIJ), Rheolwr Gwasanaeth: Ansawdd a Datblygu Systemau (CM) a Gweinyddwr Pwyllgorau (KEJ) ynghyd â Chynrychiolwyr Swyddfa Archwilio Cymru (AV a GB) a Chynrychiolwyr Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru (AM ac SM).

#### 1 YMDDIHEURIADAU

Y Cyngorydd Gwyneth Kensler

#### 2 DATGAN BUDDIANNAU

Ni chafwyd unrhyw ddatganiadau o fuddiant personol na niweidiol.

#### 3 MATERION BRYD

Ni chafwyd unrhyw faterion brys.

#### 4 COFNODION

Cyflwynwyd cofnodion y Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd ar Dachwedd 14, 2012.

***PENDERFYNWYD** derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar Dachwedd 14, 2012 yn gofnod cywir.*

#### 5 ARCHWILIAD GWASANAETHAU CYMDEITHASOL AWDURDOD LLEOL, GWERTHUSIAD AC ADOLYGIAD 2011-12

Cyflwynodd Cyfarwyddwr Corfforaethol Moderneiddio a Lles adroddiad (a gylchredwyd yn flaenorol) yn mynegi'r prif faterion a oedd yn codi o werthusiad Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru (AGGCC) o berfformiad Gwasanaethau Cymdeithasol Sir Ddinbych ar gyfer 2011 - 12. Roedd copi o'r gwerthusiad llawn wedi ei atodi i'r adroddiad (Atodiad 1) ynghyd â throsolwg o ymateb y Cyngor i'r meysydd cynnydd a nodwyd a'r meysydd i'w gwella (Atodiad 2).

Cyflwynodd y Cyfarwyddwr Corfforaethol Moderneiddio a Lles, Angela Mortimer a Sue Millington, Rheolwyr Ardal AGGCC ynghyd â Rheolwr Gwasanaeth: Datblygu Ansawdd a Systemau'r Cyngor, Craig McLeod, a'u croesawu i'r cyfarfod. Rhoddodd beth gwybodaeth gefndir i'r adroddiad a chyd-destun y gwerthusiad blynyddol fel rhan o system reoli perfformiad cyffredinol y Cyngor. Roedd yn werthusiad positif i Sir Ddinbych yn nodi cynnydd arwyddocaol mewn llawer o feysydd gyda meysydd i'w gwella wedi eu nodi a oedd yn adlewyrchu'r rheiny yn hunanasesiad y Gyfarwyddiaeth. Tynnwyd sylw Aelodau'n arbennig at y meysydd canlynol -

- Roedd rhaglenni uchelgeisiol o newid gwasanaeth gydag arweinyddiaeth glir a threfniadau rheoli perfformiad wedi eu hamlygu
- Roedd meysydd a nodwyd i'w gwella wedi eu mewnbllannu o fewn Cynlluniau Busnes Gwasanaethau a oedd yn cael eu monitro'n chwarterol
- Roedd risg wedi ei nodi o ran cynllunio strategol gyda Bwrdd Iechyd Prifysgol Betsi Cadwaladr (BIPBC) [a oedd hefyd wedi ei nodi ar draws awdurdodau Gogledd Cymru i gyd]. Roedd ymateb cynhwysfawr i ymgynghoriad BIPBC ar gynlluniau i ad-drefnu darpariaeth gofal iechyd wedi ei gyflwyno ac roedd yr angen am Grŵp Strategol wedi ei amlygu.

Rhoddodd y Rheolwr Ardal sylw ar yr adroddiad positif a oedd yn edrych yn ôl dros y deuddeng mis blaenorol gan ddweud fod pethau wedi symud ymlaen ac roedd camau'n cael eu cymryd i symud ymlaen â'r meysydd a oedd wedi eu nodi i'w gwella. Rhoddodd sylwadau hefyd ar ansawdd yr ymgysylltiad â'r awdurdod ac uwch swyddogion a oedd wedi bod yn gynorthwyol yn cynhyrchu gwybodaeth er mwyn arwain y broses werthuso.

Roedd aelodau'n falch o nodi agweddau positif yr adroddiad a'r cynnydd arwyddocaol sy'n cael ei wneud ond roedd eu cwestiynau'n canolbwyntio ar y meysydd hynny a nodwyd i'w gwella a lle'r oedd cynnydd wedi bod yn fwy cyfyngedig a cheisiwyd sicrwydd ynglŷn â chadernid y camau i ddelio â nhw. Fe ganolbwyntiodd y drafodaeth ar y meysydd canlynol -

- **Roedd AGGCC wedi nodi gallu parhaus i ddylanwadu ar gynllunio strategol sy'n canolbwyntio ar ardal gyda BIPBC fel risg potensial** - esboniodd y Rheolwr Ardal bod cydgysylltu ag iechyd yn hanfodol i gynllunio a darpariaeth gwasanaeth ar gyfer gwaith Oedolion a Phlant a bod ailstrwythuro BIPBC wedi tarfu ar lawer o gysylltiadau a hynny wedi effeithio ar gyflymdra symud cynlluniau ymlaen i'w terfyn. Mynegodd aelodau bryderon difrifol ynglŷn â'r risgiau canfyddadwy, yn enwedig o ystyried ad-drefnu'r ddarpariaeth gofal iechyd ac effaith ddilynol ar wasanaethau a chyllidebau'r Cyngor, ac fe geisiwyd sicrwydd ynglŷn â sut y byddai'r risg yn cael ei reoli'n effeithiol. Cyfeiriodd y Cyfarwyddwr Corfforaethol: Moderneiddio a Lles at fentrau fel y prosiect ardaloedd, a oedd wedi bod yn arafach i symud ymlaen oherwydd yr anhawster o ymgysylltu staff yn lleol yn dilyn ailstrwythuro a gweithrediad BIPBC yn rhanbarthol ynghyd â blaenoriaethau eraill sy'n gwrthdaro. Roedd yn obeithiol y byddai Grwpiau Strategol yn cael eu sefydlu'n sirol i alluogi datrys problemau lleol a'u bwrw ymlaen. Ychwanegodd fod cysylltiadau ar lefel weithredol yn dal i fod yn dda efo BIPBC mewn meysydd eraill ac roedden nhw wedi bod yn weithredol ymglymedig â BIPBC

yn datrys problemau penodedig. Roedd fforwm strategol o chwe Chyfarwyddwr Gwasanaethau Cymdeithasol a Chyfarwyddwyr BIPBC yn cyfarfod yn chwarterol hefyd gyda'r bwriad o ddatrys problemau. [Roedd y Cynghorydd Stuart Davies am iddo gael ei nodi fod sicrwydd wedi ei geisio gan BIPBC na fyddai cyfleusterau presennol yn cael eu cau'n rhan o'r ad-drefnu nes byddai rhai newydd yn agor. Er bod y Prif Weithredwr wedi derbyn y sicrwydd hwnnw fe ddywedwyd wrth rai aelodau ar wahân na ellid rhoi unrhyw sicrwydd].

- **Gwella absenoldeb oherwydd salwch** - roedd cynnydd wedi bod yn fwy cyfyngedig gyda gwella absenoldeb oherwydd salwch a gofynnodd aelodau a ddeliwyd ag adnoddau staffio a baich gwaith; y rhesymau am absenoldeb, a pha dulliau a gyflwynwyd i wella perfformiad. Cadarnhaodd swyddogion nad oedd staff asiantaeth yn cael eu defnyddio bellach a bod staff digonol wedi eu recriwtio. Er bod lefelau salwch wedi gwella roedd cynnydd yn dal yn gyfyngedig ac fe ymhelaethodd swyddogion ar y dulliau cadarnach a gyflwynwyd i reoli absenoldeb a hwyluso dychweliad i'r gwaith yn dilyn salwch. Roedd straen wedi ei nodi'n brif reswm am absenoldeb ac roedd hyn yn cael ei ailadrodd ar draws holl wasanaethau'r cyngor ond roedd cyfraddau Sir Ddinbych yn cymharu'n ffafriol ag awdurdodau lleol eraill. Roedd trafodaethau'n barhaus ynghylch achos straen ac a oedd salwch yn berthynol i waith a byddid yn cynnal dadansoddiad o wasanaethau a oedd yn perfformio'n well gyda'r bwriad o rannu arferion gorau. Dywedodd y Cynghorydd Bobby Feeley y byddid yn sefydlu Gweithgor gyda'r bwriad o dacio'r broblem benodedig yn y gwasanaethau cymdeithasol.
- **Adolygiad o Wasanaethau a ddarperir i Oedolion** – amlygwyd pwysigrwydd cynlluniau gofal a dywedodd y Rheolwr Gwasanaeth: Datblygu Ansawdd a Systemau fod 94% o gynlluniau gofal wedi eu hadolygu'n brydlon ac roedd systemau cadarnach wedi eu cyflwyno er mwyn olrhain perfformiad adolygiadau.
- **Systemau Gofal Seibiant** - Amlygodd y Cynghorydd Raymond Bartley y fiwrocratiaeth a oedd yn gysylltiedig â'r broses o ddarparu gofal seibiant mewn cartrefi gofal. Teimlai y dylid ei adolygu er mwyn cynorthwyo gofalwyr a sicrhau bod teuluoedd yn cael eu cyfweld yn rhan o'r broses honno. Cyfeiriodd y Cyfarwyddwr Corfforaethol: Moderneiddio a Lles at y Strategaeth Gofalwyr a'r cyswllt â theuluoedd a'r cydbwysedd rhwng cynorthwyo gofalwyr a chynnal annibyniaeth pobl. Amlygodd hefyd yr angen i flaenoriaethu a gwneud y defnydd gorau o adnoddau cyfyngedig wrth gefnogi gofalwyr. Ychwanegodd y Rheolwr Adnoddau fod gofalwyr sy'n derbyn gwasanaethau wedi bod yn bositif yn gyffredinol.
- **Diogelu Plant** - Ceisiodd y Cynghorydd Martyn Holland sicrwydd ynglŷn â mecanweithiau sydd yn eu lle i adnabod plant sydd mewn perygl. Dywedodd y Cyfarwyddwr Corfforaethol: Moderneiddio a Lles fod yna systemau gwydn iawn yn eu lle a chysylltiadau gweithio da ar y cyd ag asiantaethau eraill. Adroddodd ar waith y Panel Amlasiantaeth ar y Cyd i sgrinio atgyfeiriadau a oedd yn darparu dull amlasiantaeth cydlynol. Mewn ymateb i gwestiwn gan y Cadeirydd ynglŷn ag ymyriad cynnar mewn teuluoedd sy'n agored i niwed,

adroddodd y Cyfarwyddwr Corfforaethol: Moderneiddio a Lles ar ddull amlasiantaeth i nodi ffactorau cyfranogol allweddol er mwyn canfod y teuluoedd sy'n fwyaf agored i niwed. Byddid yn defnyddio'r wybodaeth honno ar gyfer ymyrryd drwy'r Rhaglenni Teuluoedd yn Gyntaf a Chymorth Dwys i Deuluoedd. Roedd y broses wedi ei dogfennu'n helaeth a gellid rhoi'r canlyniadau ar gael i aelodau ar gais. Y gobaith oedd y byddai ymyriad cynnar yn golygu llai o achosion gofal.

- **Lleoliadau y Tu Allan i'r Sir** - fe atebodd y Cyfarwyddwr Corfforaethol: Moderneiddio a Lles gwestiwn gan y Cynghorydd Raymond Bartley gan ddweud fod tua phymtheg o blant wedi eu lleoli y tu allan i'r sir ar hyn o bryd a bod y nifer wedi bod yn graddol leihau. Cyfeiriodd y Rheolwr Ardal at adolygiad diweddar gan yr AGGCC o blant mewn gofal, a fyddai ar gael ym mis Chwefror 2013, a oedd yn nodi arferion da ac fe allai fod o ddiddordeb i'r awdurdod.

Diolchodd y Cadeirydd i Reolwyr Ardal yr AGGCC am eu presenoldeb yn y cyfarfod a'u persbectif ar berfformiad a gwerthusiad gwasanaethau cymdeithasol y Cyngor.

***PENDERFYNWYD** derbyn a nodi'r adroddiad ar werthusiad perfformiad Gwasanaethau Cymdeithasol Sir Ddinbych ar gyfer 2011-12.*

## **6 DATGANIAD STRATEGAETH RHEOLI'R TRYSORLYS 2013/2014 A DANGOSYDDION DARBODUS 2013/14 I 2015/16**

Cyflwynodd y Pennaeth Cyllid ac Asedau adroddiad (a gylchredwyd yn flaenorol) yn ceisio adolygiad aelodau o Ddatganiad Strategaeth Reoli'r Trysorlys ar gyfer 2013/14 a'r Dangosyddion Darbodus ar gyfer 2014/14, 2014/15 a 2015/16 cyn eu cymeradwyo gan y Cyngor. Roedd Datganiad Strategaeth Reoli'r Trysorlys wedi ei atodi i'r adroddiad ynghyd â'r Dangosyddion Darbodus unigol a gymeradwywyd i'w cymeradwyo.

Adroddodd y Pennaeth Cyllid ac Asedau ar elfennau allweddol Datganiad Strategaeth Reoli'r Trysorlys gan nodi sut y byddai'r Cyngor yn rheoli ei fuddsoddiadau a'i fenthyciadau ar gyfer y flwyddyn i ddod a pholisïau yr oedd swyddogaeth Rheolaeth y Trysorlys yn gweithredu o'u mewn. Wrth arwain yr aelodau drwy'r adroddiad, esboniodd y Pennaeth Cyllid ac Asedau bob un o'r materion yn fanwl i gynorthwyo dealltwriaeth y pwyllgor o'r cymhlethdodau sy'n ymglymedig o fewn gweithgareddau rheoli'r trysorlys ac i roi gwybodaeth weithio o'r swyddogaethau arbennig hynny. Roedd Datganiad Strategaeth Reoli'r Trysorlys yn cynnwys yr adrannau canlynol -

- Cefndir a Safle'r Trysorlys
- Strategaeth Fuddsoddi
- Strategaeth Fenthyca
- Aildrefnu Dyled
- Datganiad Darpariaeth Isafswm Refeniw
- Adrodd Gweithgaredd Rheoli'r Trysorlys



- Ychwanegiad A - E: Dangosyddion Darbodus; Buddsoddiadau Penodol ac Amhenodol; Rhestr Sofran a Pharti i Gontract Cymeradwy; Rhagolwg o'r Gyfradd Llog ac Effaith y Cynllun Corfforaethol.

Yn ystod ei gyflwyniad o'r adroddiad, fe ddiweddarodd y Pennaeth Cyllid ac Asedau'r aelodau ar ddatblygiadau diweddar ac eglurodd faterion mewn ymateb i gwestiynau aelodau arnyn nhw. Roedd pwyntiau trafod allweddol yn cynnwys –

**Cyfrif Refeniw Tai** - Dywedodd y Pennaeth Cyllid ac Asedau fod y Cyfrif Refeniw Tai â chymhorthdal negyddol yn talu oddeutu 25% o incwm i Lywodraeth Cymru am ddyled. Esboniodd y newidiadau i ddod i'r system gyfredol, a gyflwynwyd eisoes yn Lloegr, a fyddai'n ailddosbarthu'r ddyled honno'n uniongyrchol i awdurdodau lleol. Roedd y ddyled yn debygol o gael ei throsglwyddo yn 2014/15 ac yna byddai'n ymddangos yn Natganiad Strategaeth Rheoli'r Trysorlys a dangos cynnydd sylweddol yn ffigwr dyled y Cyngor. Fodd bynnag byddai'r Cyngor yn ennill yn ariannol gan y byddai swm y ddyled a drosglwyddir yn cael ei leihau. Roedd Aelodau'n siomedig o nodi bod Llywodraeth Cymru wedi eithrio Cyngorau rhag trafodaethau â'r Trysorlys ynglŷn â'r ddyled ac wedi gwrthod darparu unrhyw wybodaeth ynglŷn â hynny. Dywedodd y Pennaeth Cyllid ac Asedau fod Cymdeithas Llywodraeth Leol Cymru wedi amlygu'r pryderon hynny'n uniongyrchol i Lywodraeth Cymru. Trafododd Aelodau ganlyniad tebygol y trafodaethau efo'r Pennaeth Cyllid ac Asedau ynghyd â'r posibilrwydd y gallai'r awdurdodau lleol hynny sy'n ymdrechu i gyfarfod â Safon Ansawdd Tai Cymru ar gyfer eu Stoc Tai Cyngor, elwa o'r broses ar draul y rheiny sy'n agos at gyfarfod â'r Safon. Crybwyllwyd hefyd y posibilrwydd o argaeledd benthyca ychwanegol ar gyfer ailwampio tai ar yr un gyfradd llog ffafriol. Er yr ansicrwydd ynglŷn â'r system newydd roedd aelodau'n falch o nodi y byddai'r Cyngor yn elwa'n ariannol o drosglwyddo dyled ond gobeithiai y byddai pob awdurdod lleol yn elwa cymaint o ganlyniad i'r newid.

**Cymhareb Costau Ariannu i Ffrwd Refeniw Net** - Roedd cymhareb y gyllideb refeniw a ddefnyddir i dalu dyled am y flwyddyn ariannol nesaf oddeutu 6.77%. Dywedwyd wrth aelodau am fân symudiadau mewn cyllid ac am grantiau a drosglwyddwyd i'r setliad cyffredinol gyda'r canlyniad o ffigwr refeniw uwch. Gan ymateb i gwestiynau, dywedodd y Pennaeth Cyllid ac Asedau y byddai oddeutu 56% o gyllideb refeniw 2013/14 yn cael ei neilltuo a'i ddiogelu ar gyfer cyllidebau ysgolion a gofal cymdeithasol gyda mwy o gyfarwyddebau gan Lywodraeth Cymru ar sut i wario cyllid a hynny'n gadael y Cyngor ag ychydig iawn o reolaeth dros y prif elfennau. Prin oedd y gefnogaeth a gafwyd gan awdurdodau lleol eraill i ddadlau yn erbyn cyfarwyddebau Llywodraeth Cymru.

**Cronfeydd wrth Gefn** – Mewn ymateb i gwestiwn gan y Cyngorydd Stuart Davies, dywedodd y Pennaeth Cyllid ac Asedau fod oddeutu £7m ar hyn o bryd yn cael ei ddal mewn daliannau cyffredinol a oedd wedi cynyddu yn y blynyddoedd diwethaf. Roedd cost ymateb i ddigwyddiad y llifogydd yn cael ei gyfrifo ar hyn o bryd a byddid yn gwneud cais i Lywodraeth Cymru ynglŷn â hynny. Roedd gweddillion yn cael eu defnyddio ar hyn o bryd ar gyfer costau sy'n gysylltiedig â llifogydd ac ni fyddai gwasanaethau unigol yn goddef dim o'r gost. Byddai'r swm mewn gweddillion a chronfeydd wrth gefn yn cael ei adolygu a'i ailgyflenwi, mae'n debyg, drwy danwariant adrannol os bydd angen.

**Effaith y Cynllun Corfforaethol** - Dywedwyd wrth Aelodau fod yr effaith ar y Cynllun Corfforaethol wedi ei nodi yn Atodiad E i'r adroddiad. Byddid yn cynnwys gwybodaeth ychwanegol yn yr adran yma cyn ei gyflwyno i'r Cyngor Sir ym mis Chwefror yn nodi'r effaith ar fenthycia ac ariannu'r Cynllun Corfforaethol. Tynnwyd sylw Aelodau hefyd at newidiadau i Grant Ysgolion yr 21g a'r effaith ar gyflenwad y rhaglen gan y Cyngor. Disgwylid yn awr i Lywodraeth Cymru ddarparu cymorth referniw ar gyfer oddeutu £10m a hynny'n golygu codiad pellach yn ffigwr dyled y Cyngor a chanfyddiad fod dyled y Cyngor wedi cynyddu. Pwysleisiodd y Cynghorydd Martyn Holland bwysigrwydd egluro'r sefyllfa ariannol i'r cyhoedd er mwyn osgoi unrhyw gamsyniad o ganlyniad i'r trosglwyddo cyfrifoldeb. Gofynnodd Aelodau a oedd darpariaeth referniw gan Lywodraeth Cymru wedi ei warantu ac esboniodd y Pennaeth Cyllid ac Asedau fod gwarant tybiannol wedi ei roi ond bod yr ariannu'n fater cymhleth ac y byddai'r risg yn cael ei drosglwyddo i'r Cyngor.

Diolchodd yr Aelodau i'r Pennaeth Cyllid ac Asedau am ei gyflwyniad cynhwysfawr a oedd wedi rhoi mwy o fewnwelediad i weithgareddau rheolaeth y trysorlys ac fe'i croesawyd. O ganlyniad –

***PENDERFYNWYD**, yn amodol ar gynnwys gwybodaeth ychwanegol ynglŷn ag effaith benthyca ac ariannu'r Cynllun Corfforaethol, cymeradwyo Datganiad Strategaeth Rheoli'r Trysorlys ar gyfer 2013/14 a'r Dangosyddion Darbodus ar gyfer 2013/14 to 2015/16 i'w cyflwyno i'r Cyngor Sir.*

Yn y pwynt hwn (11.20 a.m.) fe ohiriwyd y pwyllgor er mwyn toriad am luniaeth ysgafn.

## **7 ADRODDIAD CYNNYDD ARCHWILIO MEWNOL**

Cyflwynodd y Pennaeth Gwasanaethau Archwilio Mewnol adroddiad (a gylchredwyd yn flaenorol) yn diweddarau aelodau ar gynnydd diweddaraf y Gwasanaeth Archwilio Mewnol o ran cyflenwi gwasanaeth, darparu sicrwydd, adolygiadau a gwblhawyd, perfformiad ac effeithiolrwydd o ran gyrru gwelliant. Tynnwyd sylw Aelodau at yr adroddiadau archwilio mewnol diweddar a roddwyd ar y canlynol –

**Ysgol Uwchradd y Rhyl** – Cyfeiriodd y Pennaeth Gwasanaethau Archwilio Mewnol at ddyfarniad statws sicrwydd canolig a oedd yn welliant arwyddocaol ar yr archwiliad blaenorol a oedd wedi golygu dwyn cynrychiolwyr ysgol gerbron y pwyllgor yma. Roedd adborth gan y Prifathro a'r Llywodraethwyr yn bositif ac roedd y Pennaeth Gwasanaethau Archwilio Mewnol yn hyderus y byddai'r ysgol yn delio â'r problemau a oedd wedi ei hatal rhag derbyn statws sicrwydd uchel. Roedd Aelodau'n falch o nodi'r adroddiad archwilio positif ac, yn dilyn cynnig gan y Cynghorydd David Simmons, cytunwyd bod llythyr gan y pwyllgor yma i'w anfon at Ysgol Uwchradd y Rhyl yn eu llongyfarch ar eu cyflawniad.

Ystyriai Aelodau fod cyllid ysgolion yn gyffredinol yn faes o risg arbennig y gellid ei ecsbloetio a gofynnwyd am y mecanwaith i ddiogelu rhag y risg honno. Dywedodd y Pennaeth Cyllid ac Asedau fod ysgolion â chyfrifoldeb i reoli'r cyllid hwnnw ac fe allent ofyn am archwiliad gan y Cyngor a byddid yn codi tâl am hynny. Roedd

elfennau penodedig fel cynnal cofnodion yn ffurfio rhan o archwiliad cyffredinol ysgol. Gofynnodd y Cynghorydd Martyn Holland a ellid sefydlu system ar gyfer ysgolion er mwyn helpu i reoli cronfeydd a rhannu arferion gorau. Awgrymwyd y byddai Rheolwyr Cyllid Ysgolion â swyddogaeth yn hynny. Cytunai'r pwyllgor ag awgrym y Pennaeth Cyllid ac Asedau i roi eitem ar yr agenda i Rwydwaith Rheolwyr Cyllid Ysgolion fel dull o symud ymlaen â'r mater hwnnw. Mewn ymateb i gwestiwn gan yr Aelod Lleyg Paul Whitham cadarnhaodd Pennaeth y Gwasanaethau Archwilio Mewnol fod cyfarwyddyd ar gael i'r rheiny sy'n rheoli cyllid ysgolion ac roedd gwaith yn cael ei wneud i gynhyrchu rhestr wirio syml.

**Risg gynhenid uchel y Gofrestr Risg Gorfforaethol (CSDd006)** - Hysbyswyd Aelodau nad oedd yr archwiliad yma'n gofyn am adroddiad archwilio llawn ond roedd wedi ei gynnal i sicrhau rheolaeth effeithiol a rhoddwyd crynodeb byr.

**Tir y Cyhoedd** - Fe gynhaliwyd archwiliad cyffredinol ac roedd gwaith yn gyfredol i ddelio â phroblemau penodedig a nodwyd. Cyfeiriodd y Cynghorydd Martyn Holland at y problemau ynglŷn â chyflwyno'r gwasanaeth ailgylchu a chasglu sbwriel yn ne'r sir a holodd am gostau'r rhaglen ailgylchu ac a ddysgwyd gwersi. Holodd hefyd a gyflawnwyd gwerth am arian gyda'r rhaglen ailgylchu dros y sir gyfan a'r broses bresennol o fonitro perfformiad. Dywedodd y Pennaeth Gwasanaethau Cyfreithiol a Democraidd fod y Cyngor Sir wedi trafod y mater yn eu cyfarfod ar Ragfyr 4 ac fe'i cyfeiriwyd at y Pwyllgor Craffu Cymunedau i'w ystyried. Roedd y Prif Weithredwr hefyd wedi dweud y byddid yn cynnal ymchwiliad a gellid cyflwyno adroddiad pellach i'r Cyngor Sir i'w ystyried os byddai aelodau'n gofyn am hynny. Ychwanegodd y Pennaeth Gwasanaethau Archwilio Mewnol fod adolygiad o gasglu sbwriel wedi ei gynnwys yn y cynllun archwilio ar gyfer 2013/14. Cyfeiriodd Aelodau'n fyr hefyd at faterion ynglŷn â Gwastraff Masnach a dywedodd Pennaeth y Gwasanaethau Archwilio Mewnol y byddid yn ystyried adroddiad archwilio ar Wastraff Masnach yng nghyfarfod nesaf y pwyllgor.

**Diogelu Data a Rhyddid Gwybodaeth** – Oherwydd y sgôr sicrwydd isel fe gynhaliwyd cyfarfod gwaethygiad efo'r Prif Weithredwr a'r Aelod Arweiniol i drafod y cynllun gweithredu. Gan fod yr eitem yma'n fater corfforaethol roedd camau'n rhychwantu nifer o adrannau a byddid yn delio â hyn yn y misoedd i ddod. Roedd gwaith yn gyfredol ar hyn o bryd i ddatblygu Polisi Diogelu Data newydd. Yn ateb i gwestiynau dywedwyd wrth aelodau bod yr archwiliad yn cwmpasu cofnodion electronig a phapur ac roedd ysgolion hefyd wedi eu cynnwys o fewn cwmpas yr archwiliad.

Tynnwyd sylw aelodau hefyd gan y Pennaeth Gwasanaethau Archwilio Mewnol at gamau dilynol i dri adroddiad Archwilio Mewnol lle nad oedd camau wedi eu cwblhau o fewn y graddfeydd amser a gytunwyd a rhoddodd ddiweddariad ar y safle presennol. Y tri maes oedd (1) Adnoddau Dynol Strategol, (2) Cludiant Cartref i Ysgol, a (3) Ysgol y Santes Ffraid. Byddid yn adrodd yr archwiliadau i gyfarfod nesaf y pwyllgor a gofynnwyd i aelodau ystyried a oedden nhw'n dymuno gwahodd cynrychiolwyr o'r adrannau hynny i fod yn bresennol. Yn y cyfamser byddai Archwilio Mewnol yn parhau i ddilyn ymlaen â'r camau sydd ar ôl i geisio sicrhau eu bod yn cael eu bwrw ymlaen gyn gynted ag sydd bosib. Cytunodd aelodau i ystyried canfyddiadau'r adroddiadau yn gyntaf cyn penderfynu gwahodd unrhyw gynrychiolwyr i fod yn bresennol.

I gloi fe ystyriodd aelodau gynnydd yn erbyn cyflenwad Cynllun Gweithredol Archwilio Mewnol 2012/13 (Atodiad 1 i'r adroddiad) ac fe godwyd y materion canlynol –

- Cyfeiriodd y Cynghorydd Martyn Holland at archwiliad Rheolaeth Gweithrediadau Technoleg Gwybodaeth a gofynnodd a oedd y broblem gyda storio tapiau wrth gefn wedi ei datrys. Dywedodd swyddogion y byddid yn trafod gofod mewn lleoliad swyddfa arall ar gyfer tapiau a byddid yn gwirio cynnydd gyda gweithredu'r argymhelliad hwnnw yn ystod y camau'n dilyn yr adroddiad.
- Mewn ateb i gwestiwn gan yr Aelod Lleyg Paul Whitham, dywedodd Pennaeth y Gwasanaethau Archwilio Mewnol y byddai'r adroddiad a gyflwynwyd i'r Pwyllgor Craffu Perfformiad ym Medi 2012 ar Weddillion Ysgol ar gael ar wefan y Cyngor.
- Gofynnodd Mr Gwilym Bury, Cynrychiolydd Swyddfa Archwilio Cymru a oedd y deg diwrnod a gynlluniwyd ar gyfer archwiliad Rheoli'r Perygl o Lifogydd yn ddigonol o ystyried y digwyddiadau diweddar gyda'r llifogydd. Esboniodd Pennaeth y Gwasanaethau Archwilio Mewnol y bwriad o ganolbwyntio'r archwiliad ar reolaeth risg ac y byddai deg diwrnod yn ddigonol ar gyfer hynny. O ystyried yr ymchwiliadau cyfredol eraill o ran y llifogydd diweddar byddai angen pennu'r archwiliad i osgoi unrhyw ddyblygu. Awgrymodd Mr. Bury y dylid archwilio ansawdd y cynlluniau presennol.

#### **PENDERFYNWYD –**

- (a) yn amodol ar sylwadau aelodau uchod, derbyn yr adroddiad cynnydd ar y Gwasanaeth Archwilio Mewnol a'i nodi;*
- (b) bod llythyr i'w anfon ar ran y Pwyllgor at Ysgol Uwchradd y Rhyl yn eu llongyfarch ar eu hadroddiad archwilio positif a'r gwelliannau arwyddocaol a wnaethpwyd*
- (c) bod eitem i'w rhoi ar yr agenda ar gyfer y Rhwydwaith Rheolwyr Cyllid Ysgolion i ystyried a ellid sefydlu system i helpu ysgolion i reoli cronfeydd a rhannu arferion gorau.*

## **8 CYNLLUN GWEITHREDU'R FFRAMWAITH LLYWODRAETHU CORFFORAETHOL**

Cyflwynodd Pennaeth y Gwasanaethau Archwilio Mewnol adroddiad (a gylchredwyd yn flaenorol) yn diweddarau aelodau ar y cynllun gweithredu diweddaraf a'r cynnydd hyd yma o ganlyniad i adolygiad fframwaith llywodraethu'r Cyngor a'r Datganiad Llywodraethu Blynyddol 2011/12. Roedd y fframwaith yn cynnwys asesiad blynyddol o drefniadau llywodraethu'r Cyngor a Datganiad Llywodraethu Blynyddol yn amlygu gwendidau llywodraethu a oedd angen eu gwella. Roedd Grŵp Llywodraethu wedi ei sefydlu i reoli'r broses a chynllun gweithredu wedi ei ddatblygu (yn atodol i'r adroddiad) o ganlyniad i'r adolygiad diwethaf o drefniadau llywodraethu.

Amlygodd Mr Anthony Veale, Cynrychiolydd Swyddfa Archwilio Cymru, fonitro parhaus y cynllun gweithredu'n arfer da er mwyn rhoi sicrwydd ar effeithiolrwydd y broses yn rhan o drefniadau llywodraethu cyffredinol y Cyngor. Nododd y pwyllgor yr hyblygrwydd yn y cynllun ac y byddai materion yn cael eu hychwanegu pan fyddan nhw'n codi yn ystod y flwyddyn a chytunwyd fod angen iddyn nhw fod yn rhagweithiol yn craffu'r camau hynny. Cytunodd Aelodau i ystyried y cynllun gweithredu yn y ddau gyfarfod nesaf (ym mis Chwefror ac Ebrill) cyn penderfynu ar ba mor aml yr oedden nhw'n dymuno monitro'r cynllun gweithredu yn y dyfodol.

Roedd y cynllun gweithredu'n cynnwys cyfeiriad at berfformiad a datblygiad aelodau ac fe amlygodd y Cynghorydd Martyn Holland bwysigrwydd hyfforddiant aelodau er mwyn rhoi'r sgiliau a'r wybodaeth sy'n ofynnol i gynghorwyr berfformio eu dyletswyddau'n effeithiol. Teimlai bod angen mwy o ymrwymiad gan gynghorwyr er mwyn datblygu eu gallu. Cyfeiriodd y Cynghorydd Raymond Bartley at bresenoldeb gwael yn nigwyddiadau hyfforddi aelodau ac ymholodd am y rhesymau am hynny a'r camau i gynyddu'r niferoedd. Dywedodd Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd fod holiadur manwl wedi ei anfon at aelodau er mwyn hysbysu'r cynllun hyfforddi nesaf ar gyfer cynghorwyr a'r gobaith oedd y byddai presenoldeb yn gwella o ganlyniad. Roedd swyddogion hefyd yn edrych ar ddulliau eraill o ddarparu hyfforddiant yn cynnwys creu Canolbwynt Dysgu i alluogi hyfforddiant electronig a gwylio hyfforddiant blaenorol a recordiwyd. Cyfeiriwyd hefyd at yr adolygiad o anghenion hyfforddi aelodau a oedd yn ofynnol gan y Mesur Llywodraeth Leol a oedd i'w symud ymlaen gan yr Aelod Arweiniol, y Cynghorydd Barbara Smith. Awgrymodd y Cadeirydd y gellid creu pecyn dysgu gartref yn cynnwys hyfforddiant wedi ei recordio ymlaen llaw ar DVD a defnyddiau ac asesiadau i aelodau eu cwblhau. O ran hyfforddiant penodedig ar gyfer y pwyllgor yma, cyfeiriodd y Pennaeth y Gwasanaethau Archwilio Mewnol at arfer y pwyllgor blaenorol o nodi bylchau mewn gwybodaeth neu sgiliau er mwyn gallu delio â nhw yn y dyfodol. Gofynnodd yr Aelod Lleyg, Paul Whitham, beth oedd yr hyfforddiant ar gyfer aelodau lleyg a dywedodd Pennaeth y Gwasanaethau Archwilio Mewnol y byddai hyfforddiant cyffredinol fel ar y Cod Ymddygiad yn briodol i bawb ynghyd â hyfforddiant penodedig ar feysydd a oedd yn ofynnol gan yr aelodau lleyg/cyfetholedig er mwyn ymgymryd â'r gwahanol swyddogaethau.

#### **PENDERFYNWYD –**

- (a) *yn amodol ar sylwadau'r aelodau uchod, nodi'r cynnydd gyda rheoli'r camau yng Nghynllun Gweithredu'r Fframwaith Llywodraethu Corfforaethol*
- (b) *cyflwyno Cynllun Gweithredu Llywodraethu Corfforaethol i'r ddau gyfarfod nesaf ym mis Chwefror a mis Ebrill i'w ystyried ymhellach a'i fonitro cyn gwneud penderfyniad ar amllder adrodd ar y Cynllun Gweithredu yn y dyfodol.*

## **9 RHAGLEN WAITH PWYLLGOR LLYWODRAETHU CORFFORAETHOL**

Cyflwynwyd adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol a Democrataidd (a gylchredwyd yn flaenorol) yn amlinellu blaenraglen waith y pwyllgor. Cyfeiriodd Pennaeth y Gwasanaethau Archwilio Mewnol at ddiwygiadau i'r rhaglen waith i gynnwys yr adroddiadau canlynol –

- Strategaeth Archwilio Mewnol 2013/14 - Ebrill
- Adroddiad Blynyddol 2012/13 - Mai
- Cynllun Gweithredu'r Fframwaith Llywodraethu Corfforaethol – Chwefror ac Ebrill.

***PENDERFYNWYD***, yn amodol ar y diwygiadau uchod, cymeradwyo'r flaenraglen waith.

Daeth y cyfarfod i ben am 12.30 p.m.

|                                   |                                                        |
|-----------------------------------|--------------------------------------------------------|
| <b>Adroddiad ar gyfer:</b>        | <b>Y Pwyllgor Llywodraethu Corfforaethol</b>           |
| <b>Dyddiad y Cyfarfod:</b>        | <b>Chwefror 27, 2013</b>                               |
| <b>Aelod Arweiniol / Swyddog:</b> | <b>Y Cynghorydd Barbara Smith / Alan Smith</b>         |
| <b>Awdur yr Adroddiad:</b>        | <b>Tony Ward</b>                                       |
| <b>Teitl:</b>                     | <b>Llythyr Asesu Gwelliant Swyddfa Archwilio Cymru</b> |

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## **1. Beth mae'r adroddiad yn ymwneud ag o?**

- 1.1. Mae'r papur hwn yn cyflwyno'r Llythyr Asesu Gwelliant diweddaraf ar gyfer Cyngor Sir Ddinbych, a roddwyd gan Swyddfa Archwilio Cymru ar Ionawr 28<sup>ain</sup> 2013. Mae'r llythyr yn atodol yn Atodiad I.

## **2. Beth yw'r rheswm am wneud yr adroddiad yma?**

- 2.1. Mae'r adroddiad yma'n darparu gwybodaeth ynglŷn â Llythyr Asesu Gwelliant diweddaraf Swyddfa Archwilio Cymru ar gyfer Cyngor Sir Ddinbych. Mae hwn yn un o'r adroddiadau allanol allweddol a dderbynnir gan y Cyngor bob blwyddyn.

## **3. Beth yw'r Argymhellion?**

- 3.1. Bod y pwyllgor yn ystyried yr adroddiad, yn cynnwys y ddau gynnis newydd ar gyfer gwelliant ar dudalen 7 y Llythyr Asesu Gwelliant.

## **4. Manylion yr adroddiad**

- 4.1. Mae'r Llythyr Asesu Gwelliant yn adrodd casgliadau Archwilydd Cyffredinol Cymru o'i archwiliad a'i waith asesu o ran a ydi'r Cyngor wedi cyflawni ei ddyletswyddau ac wedi cyfarfod â gofynion Mesur Llywodraeth Leol (Cymru) 2009. Mae gwaith manylach ar drefniadau'r Cyngor i gefnogi rheolaeth perfformiad ac adrodd perfformiad yn digwydd ar hyn o bryd, a bydd yr Archwilydd Cyffredinol yn crynhoi ei waith i gyd (a gwaith rheolyddion perthnasol eraill yn ystod 2012-13) pan fydd yn cyhoeddi Adroddiad Gwelliant Blyneddol ar gyfer y Cyngor erbyn diwedd Mawrth 2013. Fe gyflwynir yr Adroddiad Gwelliant Blyneddol hwn i'r pwyllgor ar Ebrill 10<sup>fed</sup> 2013.

## **5. Sut mae'r penderfyniad yn cyfrannu tuag at y Blaenoriaethau Corfforaethol?**

- 5.1. Nid yw'r adroddiad yn gofyn am benderfyniad.

## **6. Beth fydd o'n ei gostio a sut fydd o'n effeithio ar wasanaethau eraill?**

- 6.1. Does yna ddim oblygiadau cost yn gysylltiedig â'r adroddiad hwn.

**7. Beth yw prif gasgliadau'r Asesiad Effaith Cydraddoldeb a gynhaliwyd ar y penderfyniad? Dylai templed yr Asesiad Effaith Cydraddoldeb a gwblhawyd fod yn atodol fel atodiad i'r adroddiad.**

7.1. Does yna ddim gofyniad am asesiad effaith cydraddoldeb gan na fydd penderfyniad a fyddai'n golygu unrhyw newid i staff neu'r gymuned, yn ganlyniad i'r adroddiad hwn. Felly ni fydd ag effaith negyddol anghymesur ar bobl sy'n rhannu nodweddion penodedig a ddiogelir.

**8. Pa ymgynghoriadau a gafwyd â Chraffu ac eraill?**

8.1. Cyflwynwyd drafft o'r Llythyr Asesu Gwelliant i'r Prif Weithredwr, a darparwyd adborth, cyn terfynu'r llythyr. Cyflwynwyd y Llythyr Asesu Gwelliant hefyd er gwybodaeth i'r Pwyllgor Craffu Perfformiad ar Chwefror 21<sup>ain</sup> 2013.

**9. Datganiad y Prif Swyddog Cyllid**

9.1. Dim angen.

**10. Pa risgiau sydd yna ac a oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**

10.1. Ddim yn gymwys.

**11. Grym i wneud y Penderfyniad**

11.1. Nid yw'r adroddiad yn gofyn am benderfyniad.





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**Dyddiad** 28 Ionawr 2013  
**Tudalennau** 1 o 7

Annwyl Mohammed

## Llythyr Asesiad Gwella

Mae'r llythyr hwn yn crynhoi'r casgliadau allweddol sy'n codi o'm gwaith mewn perthynas â chynllunio ac adrodd ar welliannau o dan Fesur Llywodraeth Leol (Cymru) 2009 (y Mesur).

Mae gofyn i mi adrodd ar fy ngwaith archwilio ac asesu i bennu a gyflawnodd Cyngor Sir Ddinbych (y Cyngor) ei ddyletswyddau a bodloni gofynion y Mesur.

Yn dilyn fy llythyr Asesiad Gwella ar 17 Medi 2012, mae'r llythyr hwn yn crynhoi:

- fy sylwadau ar i ba raddau mae'r Cyngor wedi cyflawni ei ddyletswyddau statudol o ran cynllunio gwelliant;
- fy sylwadau ar i ba raddau mae'r Cyngor wedi cyflawni ei ddyletswyddau statudol o ran adrodd ar welliant;
- fy sylwadau, a sylwadau rheoleiddwyr perthnasol, ar i ba raddau y gellir dibynnu ar hunanwerthusiad y Cyngor;
- fy nghynigion pellach ar gyfer gwella.

Byddaf hefyd yn gwneud gwaith manylach ar y trefniadau sy'n cefnogi dulliau rheoli perfformiad ac adrodd y Cyngor dros y misoedd nesaf.

Byddaf yn crynhoi fy holl waith a gwaith rheoleiddwyr perthnasol yn ystod 2012-13 ac yn cyhoeddi Adroddiad Gwella Blynyddol y Cyngor erbyn diwedd mis Mawrth 2013.

## Cynllunio Gwelliant

### **Mae'r Cyngor wedi cyflawni ei ddyletswyddau cynllunio gwelliant o dan y Mesur ac wedi gweithredu yn unol â chanllawiau Llywodraeth Cymru**

Er bod y Mesur yn ei gwneud yn ofynnol i gynghorau gyhoeddi eu cynlluniau gwelliant cyn gynted â phosibl ar ôl dechrau'r flwyddyn ariannol, nodais yn fy llythyr ym mis Medi, yn dilyn etholiadau llywodraeth leol ym mis Mai 2012, fod y Cyngor wedi penderfynu datblygu Cynllun Corfforaethol newydd yn dilyn cryn dipyn o ymgynghori ac ymgysylltu â thriolion a'i staff, gan gynnwys:

- Arolwg Trigolion: ymatebodd 2,256 o aelwydydd i arolwg;
- Arolwg Cyhoeddus: ymatebodd 1,228 o bobl i arolwg ar wefan y Cyngor ac mewn canolfannau hamdden, llyfrgelloedd, ac ardaloedd derbyn y Cyngor;
- gweithdai gyda phobl ifanc.

Cytunodd y Cyngor ar ei Gynllun Corfforaethol newydd ac fe'i cyhoeddodd ym mis Hydref 2012. Daeth fy ngwaith archwilio ac asesu i'r casgliad bod Cynllun Corfforaethol y Cyngor, 'Cynllun Corfforaethol 2012-17: Cyngor rhagorol, yn agos at y gymuned', yn bodloni gofynion y Mesur. Mae'r Cyngor wedi nodi rhesymeg glir dros ddethol y meysydd y mae'n canolbwyntio ar eu gwella, yn seiliedig ar ei berfformiad presennol, safbwyntiau rhanddeiliaid a phartneriaid a gweithgarwch ymgynghori diweddar â dinasyddion. Mae'r Cyngor wedi cynhyrchu fersiwn Gymraeg o'r Cynllun ac wedi darparu fersiynau cryno ar ei wefan ac yn ei gylchlythyr, 'Llais y Sir'.

Mae gan Gynllun Corfforaethol y Cyngor saith Amcan Gwella mewn perthynas ag: addysg ac adeiladau ysgolion; datblygu'r economi leol; gwella ffyrdd; amddiffyn pobl sy'n agored i niwed; strydoedd glân a thaclus; sicrhau bod tai o ansawdd da ar gael; a moderneiddio'r Cyngor.

Mae'r Cyngor wedi datgan yn glir yr hyn y mae'r Amcanion Gwella yn anelu at ei gyflawni ac wedi cynnwys manylion bras, wedi'u cysylltu â'i Gynllun Ariannol Tymor Canolig, am yr adnoddau sydd ar gael, o ran refeniw a chyfalaf, i helpu i'w cyflawni.

Nid yw eglurder y cyswllt rhwng yr Amcanion Gwella a'r mesurau llwyddiant, y data sylfaenol a'r targedau gwella ategol yn gyson eto ar draws pob un o'r saith Amcan Gwella. Mae rhai cysylltiadau yn glir iawn ac yn dangos effaith fwriadedig y gwelliant. Mae'r mesurau llwyddiant ar gyfer yr Amcan Gwella i wella ffyrdd, er enghraifft, yn canolbwyntio ar ostyngiad cyffredinol yng nghanran y ffyrdd y bernir eu bod mewn cyflwr gwael, a gwelliant o ran lefelau boddhad trigolion ag ansawdd ffyrdd. Felly mae'r hyn y mae'r Cyngor yn anelu at ei wella yn glir.

Mewn rhai Amcanion Gwella eraill, nid yw'r mesurau ar gyfer asesu a oes unrhyw un yn well ei fyd mor fanwl nac effeithiol eto. Noda'r Cyngor ei fod yn bwriadu ymdrin â'r mater hwn erbyn Gwanwyn 2013 drwy gyhoeddi'r canllawiau technegol a fydd yn diffinio dangosyddion i fesur llwyddiant ym mhob un o'r Amcanion Gwella a'r 'trothwy rhagoriaeth' y mae'r Cyngor yn anelu at ei gyflawni yn ystod oes y Cynllun Corfforaethol.

Mae Rheoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Statudol) (Cymru) 2011 (y Ddeddf) yn nodi gofynion penodol ar gyfer awdurdodau lleol yng Nghymru. Mae'r Ddeddf yn ei gwneud yn ofynnol i gynghorau ddatblygu a chyhoeddi Amcanion Cydraddoldeb a Chynllun Cydraddoldeb Strategol erbyn 2 Ebrill 2012. Mae cyswllt amlwg rhwng y gofyniad i lunio Amcanion Cydraddoldeb a'r elfen 'Tegwch' y mae'n rhaid i awdurdodau ei hystyried wrth bennu Amcanion Gwella o dan y Mesur. Mae Cynllun Corfforaethol y Cyngor yn cynnwys asesiad o'r effaith ar gydraddoldeb, sy'n cynnwys rhywfaint o wybodaeth am waith y Cyngor ym maes cydraddoldeb, yn arbennig mewn perthynas â gwaith ymchwil ac adroddiadau ar bynciau sy'n ymwneud â grwpiau gwarchodedig a chynlluniau'r Cyngor i ymgysylltu â'r grwpiau hyn yn y dyfodol. Credwn fod y Cyngor wedi bodloni gofynion y Ddeddf wrth bennu ei Amcanion Gwella.

## **Adrodd ar Welliant**

### **Mae'r Cyngor wedi cyflawni ei ddyletswyddau adrodd ar welliant o dan y Mesur. Fodd bynnag, dylai sicrhau ei fod yn cydymffurfio mwy â chanllawiau Llywodraeth Cymru**

Rwyf wedi dod i'r casgliad hwn oherwydd:

- bod Adroddiad Perfformiad 2011-12 yn bodloni gofynion y Mesur; ond
- gellid cydymffurfio mwy â chanllawiau Llywodraeth Cymru drwy wella ansawdd rhai o'r mesurau a'r dystiolaeth a ddefnyddir gan y Cyngor i farnu gwelliant.

## Mae Adroddiad Perfformiad 2011-12 yn bodloni gofynion y Mesur

Rwyf wedi dod i'r casgliad hwn am fod yr Adroddiad Perfformiad (yr Adroddiad):

- ar gael yn Gymraeg ac yn Saesneg i'w lawrlwytho o wefan y Cyngor, a gellir darparu fersiynau mewn Braille ac ieithoedd eraill ar gais;
- yn asesu perfformiad y Cyngor yn ystod y flwyddyn ariannol flaenorol (2011-12) ac yn nodi'n glir sut y mae'r Cyngor wedi ceisio cyflawni ei ddyletswyddau o dan y Mesur;
- yn cynnwys manylion am berfformiad fel y'i mesurir gan y dangosyddion perfformiad statudol cenedlaethol;
- wedi'i gyhoeddi cyn y terfyn amser statudol, sef 31 Hydref 2012;
- yn darparu ffocws clir a strwythuredig ar gynnydd y Cyngor wrth gyflawni ei Amcanion Gwella;
- yn gryno ac wedi'i ysgrifennu'n raenus ac, ar gyfer y rhan fwyaf o'r Amcanion Gwella a bennwyd ar gyfer 2011-12, yn nodi perfformiad amlwg yn seiliedig ar ganlyniadau, ac yn cysylltu'r Amcanion Gwella â'r tablau dangosyddion perfformiad statudol ac allweddol.

Mae'r Adroddiad yn cynnwys esboniad o sut y mae ei gynnwys yn cyfrannu at ddyletswydd statudol y Cyngor i wneud trefniadau i sicrhau gwelliant parhaus a rhoi cyfrif am y gwelliant hwnnw. Fel y Cynllun, mae wedi'i strwythuro o amgylch yr Amcanion Gwella.

Mae'r Adroddiad yn cynnwys crynodeb o berfformiad y Cyngor yn ystod 2011-12 o gymharu â'r flwyddyn flaenorol ac esboniad cryno o'r prif lwyddiannau a methiannau wrth gyflwyno rhai o'r prosiectau allweddol a bennwyd i Amcanion Gwella'r Cyngor a blaenoriaethau strategol eraill. Yng Nghynllun Corfforaethol 2009-12, gwnaeth y Cyngor ymrwymiad i ddod yn 'Cyngor sy'n Perfformio'n Uchel, Yn Agos at y Gymuned' a dewisodd 19 o ddangosyddion cenedlaethol er mwyn barnu ei berfformiad. Mae prif gorff yr Adroddiad yn cynnwys rhestr lawn o'r prosiectau sy'n gysylltiedig â phob un o'r pum Amcan Gwella a'r blaenoriaethau strategol. Rhoddir gradd coch, oren, melyn neu wyrdd i bob dangosydd a mesur perfformiad er mwyn nodi gwerthusiad y Cyngor o'r graddau y llwyddwyd i gyflawni'r allbwn neu'r canlyniad bwriadedig yn ystod y flwyddyn. Lle na chyflawnwyd yr allbwn neu'r canlyniad, mae'r Adroddiad yn cynnwys sylwebaeth esboniadol gryno.

Mae trydedd adran yr Adroddiad yn cynnwys Crynodeb o Berfformiad Corfforaethol gan ddefnyddio strwythur thematig sy'n cwmpasu: diogelu; yr amgylchedd a chludiant; tai; addysg; a hamdden a diwylliant. Mae'r adran hon hefyd yn cynnwys manylion am berfformiad y flwyddyn flaenorol (lle y bo'r wybodaeth ar gael) ar gyfer pob un o'r dangosyddion, ynghyd â dadansoddiad o dueddiadau a chymhariaeth o berfformiad 2011-12 â chyfartaledd Cymru.

Fel rhan o ymrwymiad y Cyngor i ddod â'i hun yn 'agosach at y gymuned', mae pedwaredd adran yr Adroddiad yn nodi cynnydd wrth gyflawni gwelliannau penodol mewn perthynas â'i chwe ardal gymunedol. Mae'r gwelliannau a bennwyd ar gyfer pob ardal gymunedol yn adlewyrchu'r blaenoriaethau lleol y cytunwyd arnynt yn ystod yr ymgynghoriad ar y Cynllun Corfforaethol. Mae'r dadansoddiad o'r cynnydd a wnaed mewn perthynas â'r gwelliannau cymunedol yn ddisgrifiadol ei natur ar y cyfan, megis yr adran ar waith i wella ardal Harbwr y Rhyl, ac nid yw bob amser yn glir sut y bu'r gwaith o fudd uniongyrchol i drigolion.

Mae adran olaf yr adroddiad yn crynhoi perfformiad y Cyngor yn erbyn yr 19 o ddangosyddion cenedlaethol a ddewiswyd ganddo, ac amlinellid o'i fframwaith rheoli perfformiad. Mae'r Cyngor o'r farn mai'r 19 o ddangosyddion cenedlaethol yw'r cyfuniad mwyaf addas o ddangosyddion i'w ddefnyddio i farnu pa un a yw'n 'Gyngor sy'n perfformio'n uchel' ond byddai crynodeb sy'n cynnwys pob un o'r 41 o ddangosyddion cenedlaethol yn rhoi asesiad cliriach a mwy cynhwysfawr o gynnydd.

### **Gellid cydymffurfio mwy â chanllawiau Llywodraeth Cymru drwy wella ansawdd rhai o'r mesurau a'r dystiolaeth a ddefnyddir gan y Cyngor i farnu gwelliant**

Caiff pob Amcan Gwella ei ategu gan gyfres o weithgareddau a mesurau a gaiff eu rheoli a'u cyflwyno gan y maes gwasanaeth priodol a'u monitro drwy gydol y flwyddyn fel rhan o fframwaith rheoli perfformiad y Cyngor. Yn bwysig, mae'r Cyngor wedi cyflwyno prosesau mewnol allweddol o fewn y system hon i herio a rheoli gwelliant.

Cafwyd gennym fod yr Adroddiad Perfformiad wedi'i gyflwyno mewn ffordd glir ac yn hawdd i'w ddarllen a'i fod yn defnyddio strwythur adrodd cyson i werthuso perfformiad ar gyfer pob un o'r Amcanion Gwella ac adrodd arno. Mae'r Amcanion Gwella yn drawsbynciol ac yn cydnabod ac yn hyrwyddo trefniadau integreiddio ar draws gwasanaethau ac adrannau er mwyn cyflawni'r gwelliant bwriadedig yn effeithiol. Mae'r Adroddiad yn cynnwys rhai sylwadau ar feysydd lle y bu'r cynnydd wrth roi camau weithredu ar waith yn araf, neu lle mae perfformiad wedi gwaethygu. Er enghraifft, o ran y dangosydd ar gyfer rheoli risg mewn perthynas â chyfeiriadau amddiffyn oedolion, noda'r Cyngor fod perfformiad wedi dirywio, gan amlinellu'r rhesymau dros y dirywiad hwn.

Nodwyd nifer o agweddau gennym lle nad yw'r Adroddiad yn cydymffurfio cystal ag y gallai â chanllawiau Llywodraeth Cymru. Yn benodol:

- Nid yw'r Adroddiad yn rhoi crynodeb cytbwys o gynnydd yn erbyn agweddau rhai Amcanion Gwella. Er enghraifft, un o flaenoriaethau allweddol Llywodraeth Cymru yw y dylai'r holl dai cymdeithasol gydymffurfio â Safon Ansawdd Tai Cymru (SATC). Mae'r Cyngor wedi adrodd ar berfformiad SATC drwy amrywiol strwythurau ei fframwaith rheoli perfformiad, ond ni chaiff y wybodaeth hon ei chynnwys yn yr Adroddiad Perfformiad. Mae cyfran y cartrefi rhent cymdeithasol a reolir gan y Cyngor a gyflawnodd SATC wedi cynyddu i 86 y cant yn 2012 ond nid yw'r Adroddiad yn nodi o gwbl mai targed Llywodraeth Cymru yw y dylai pob cartref gyflawni SATC erbyn mis Mawrth 2013. Mae'r amcangyfrif diweddaraf yn awgrymu na chyflawnir y targed yn Sir Ddinbych tan ddiwedd 2013.
- Mae ffocws y gweithgarwch mewn rhai o'r Amcanion Gwella yn gul iawn ac nid yw'n caniatáu ar gyfer asesiad cytbwys o gynnydd. Er enghraifft, mae Canlyniad Amcan Gwella ar gyfer adfywio ar dwf economaidd cynhaliol yn canolbwyntio ar dri dangosydd, a thri mesur perfformiad arall. Ni chynhwyswyd unrhyw fesurau na chamau gweithredu ychwanegol, er enghraifft, ar gynaliadwyedd nac ansawdd llety. Mae'r rhain yr un mor bwysig â'r dangosyddion presennol ar brisiau tai, a chan nad yw'r wybodaeth hon ar gael, dim ond darlun rhannol a geir o ba mor dda y mae'r Cyngor yn perfformio yn y maes hwn.
- Dim ond cyfeiriadau prin iawn a geir yn yr Adroddiad hefyd at statws a chanlyniadau prosiectau cydweithredol rhanbarthol ac is-ranbarthol presennol y Cyngor. Yn benodol, ni cheir unrhyw gyfeiriad at anawsterau perfformiad diweddar gyda phrosiect cydweithredol yr adran Priffyrdd â Chyngor Bwrdeistref Sirol Conwy a'r goblygiadau i Sir Ddinbych o'r gorwariant a gofnodwyd yn 2011-12 ar gyllideb Trafnidiaeth Ysgol-Cartref Conwy, a fu'n destun adroddiad ar y cyd yn ddiweddar gan wasanaeth Archwilio Mewnol Conwy a Sir Ddinbych.

### **Mae'r trefniadau corfforaethol ar gyfer cydgysylltu perfformiad ac adrodd arno yn ategu trefniadau hunanwerthuso dibynadwy**

Daeth fy Adroddiad Gwella Blynnyddol (Ionawr 2012) i'r casgliad bod sail gadarn i drefniadau rheoli perfformiad y Cyngor a'u bod yn datblygu'n foddhaol gydag arweinyddiaeth glir ac effeithiol gan uwch swyddogion a chynghorwyr. Dyna yw'r sefyllfa o hyd. Mae'r pwyllgor craffu ar berfformiad a'r cyfarfodydd herio gwasanaeth a gynhelir dwywaith y flwyddyn yn cael gwybodaeth o ansawdd cyson am berfformiad ac ar fformat sy'n hawdd ei deall. Yn ogystal â'r cyfarfodydd herio gwasanaeth, mae Cabinet y Cyngor yn adolygu perfformiad bob chwarter. Erys cyfleoedd i wella ansawdd y cwestiynau a ofynnir gan rai o aelodau'r pwyllgor yn ystod y cyfarfodydd herio gwasanaeth er mwyn sicrhau ffocws mwy cyson ar y materion priodol.

Cafwyd gennym fod y Cyngor wedi creu tîm polisi canolog cadarn sy'n goruchwyllo, yn cydgysylltu ac yn rheoli perfformiad mewn modd gweithredol. O ganlyniad, mae'r

Cyngor wedi gallu rhoi system rheoli perfformiad gyson a gaiff ei deall yn glir ar waith. Mae aelodau o staff o fewn gwasanaethau yn cydnabod eu bod yn gyfrifol am eu perfformiad ac yn deall sut y mae eu gwaith yn berthnasol i'r broses o gyflawni Amcanion Gwella a blaenoriaethau corfforaethol y Cyngor.

Ym mis Mehefin 2012, cyflwynwyd adroddiad gennym ar ganlyniadau ein harchwiliad o gywirdeb sampl o ddangosyddion perfformiad y Cyngor. Er bod ein sampl eleni yn llai na samplau yn y gorffennol, roedd y canlyniadau yn foddhaol ac ni roddwyd barn amodol ar unrhyw un o ddangosyddion perfformiad y Cyngor.

Ceir enghreifftiau o drefniadau hunanwerthuso cadarn o fewn gwasanaethau unigol. Daeth Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru (AGGCC) i'r casgliad bod adroddiad y Cyfarwyddwr<sup>1</sup> yn dangos bod trefniadau arwain a rheoli perfformiad clir ar waith a bod adroddiad y Cyfarwyddwr yn rhoi esboniad cynhwysfawr a manwl o'r flwyddyn ddiwethaf, gan gyflwyno'r cyd-destun lleol gyda disgrifiad clir o'r cyflawniadau a'r heriau y mae'r Gwasanaethau Cymdeithasol wedi'u hwynebu ac y mae'n parhau i'w hwynebu. Mae'n cyfeirio at gyflawniadau'r Cyngor a'i gynlluniau ar gyfer y dyfodol, ac yn cydnabod y meysydd lle y mae angen i berfformiad wella o hyd, neu lle na ddatblygwyd gwasanaethau eto. Mae'r adroddiad hefyd yn egluro pam bod newidiadau na fyddant o bosibl yn boblogaidd i ddechrau yn cael eu gwneud, ac yn rhoi cyfle i ddarllenwyr yr adroddiad roi adborth. Mae'r Cyngor wedi rhoi datganiadau sefyllfa manwl i AGGCC ar gyfer gwasanaethau oedolion a phlant ynghyd â thystiolaeth ategol.

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<sup>1</sup> Adolygiad blynyddol o berfformiad Gwasanaethau Cymdeithasol Cyngor gan AGGCC sy'n cynnwys asesiad o hunanwerthusiad Cyngor o'i berfformiad (y cyfeirir ato'n aml fel 'Adroddiad y Cyfarwyddwr'). Mae AGGCC yn rhoi gwerthusiad cyffredinol o berfformiad ac yn nodi meysydd cynnydd a meysydd i'w datblygu.

## Cynigion pellach ar gyfer gwella

Ceir rhai cynigion newydd ar gyfer gwella yn y llythyr hwn. Byddwn yn parhau i fonitro ac adrodd ar y cynnydd a wneir gan y Cyngor mewn perthynas â gweithredu'r cynigion a nodwyd yn fy adroddiadau a'm llythyrau blaenorol.

### Cynigion ar gyfer gwella

- |    |                                                                                                                               |
|----|-------------------------------------------------------------------------------------------------------------------------------|
| C1 | Darparu sail dystiolaeth ehangach o ran gwybodaeth er mwyn i'r Cyngor allu asesu pa un a yw wedi cyflawni ei Amcanion Gwella. |
| C2 | Cynnwys rhagor o wybodaeth am statws a chanlyniadau prosiectau cydweithredol y Cyngor.                                        |

Yn gywir



Huw Vaughan Thomas  
Archwilydd Cyffredinol Cymru

Copi: Carl Sargeant, Gweinidog Llywodraeth Leol a Chymunedau



|                                 |                                                         |
|---------------------------------|---------------------------------------------------------|
| <b>Adroddiad i:</b>             | <b>Pwyllgor Llywodraethu Corfforaethol</b>              |
| <b>Dyddiad y Cyfarfod:</b>      | <b>27 Chwefror 2013</b>                                 |
| <b>Aelod/Swyddog Arweiniol:</b> | <b>Pennaeth Gwasanaethau Cyfreithiol a Democrataidd</b> |
| <b>Awdur yr Adroddiad:</b>      | <b>Pennaeth Gwasanaethau Cyfreithiol a Democrataidd</b> |
| <b>Teitl:</b>                   | <b>Rôl Eiriolwyr</b>                                    |

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## **1. Beth yw testun yr adroddiad?**

- 1.1 Mae'r adroddiad hwn yn nodi'r gwahanol rolau y mae Aelodau wedi awgrymu y gallai'r Eiriolwyr Aelod ymgymryd â hwy.

## **2. Beth yw'r rheswm dros wneud yr adroddiad hwn?**

- 2.1 I geisio safbwyntiau ac argymhellion y Pwyllgor ynghylch y rolau gwahanol a awgrymwyd i Eiriolwyr, a'r broses o benodi Aelodau i unrhyw rolau a argymhellir.

## **3. Beth yw'r Argymhellion?**

- 3.1 Bod y Pwyllgor yn ystyried pa rolau Eiriolwyr ychwanegol, os oes rhai o gwbl, y dylid eu hargymhell i'r Cyngor Llawn, y dull ar gyfer penodi'r Eiriolwyr hynny a'r disgrifiadau rôl a ddylai gyd-fynd â'r rolau hynny.

## **4. Manylion yr adroddiad**

- 4.1 Mae rôl Eiriolwyr yn y Cyngor hwn wedi esblygu ers penodi 'Eiriolwr Bobl Hÿn' a ddigwyddodd o ganlyniad i ganllawiau a gyhoeddwyd gan Lywodraeth Cymru yn datgan y dylai pob awdurdod lleol yng Nghymru gael eiriolwr o'r fath.

- 4.2 Mae Cyfansoddiad y Cyngor yn nodi pedwar rôl Eiriolwr ar hyn o bryd, sef:

Eiriolwr Bobl Hÿn  
Eiriolwr Digartrefedd  
Eiriolwr Gofalwyr  
Eiriolwr Anabledau Dysgu

- 4.3 Yn ei gyfarfod ar 6 Tachwedd 2012, penderfynodd y Cyngor y dylid penodi'r pedwar Eiriolwr a nodwyd yn 4.2 uchod yng nghyfarfod y Cyngor ar 4 Rhagfyr 2012, ac aethpwyd ati i fabwysiadu disgrifiadau rôl i'r Eiriolwyr hyn. Mae'r disgrifiadau rôl hyn i'w gweld yn Atodiad 1.

- 4.4 Penderfynodd y Cyngor ymhellach y dylid gofyn i'r Pwyllgor Llywodraethu Corfforaethol ystyried a oedd unrhyw werth penodi Eiriolwyr i fuddiannau eraill a nodwyd gan aelodau, ac i ddarparu eglurhad o'r rolau hyn os oedd o'r farn bod mabwysiadu rolau o'r fath yn briodol.
- 4.5 Roedd y buddiannau eraill a awgrymwyd gan Aelodau yng nghyfarfod y Cyngor ar 6 Tachwedd fel a ganlyn:
- Eiriolwr Bobl Ifanc  
Eiriolwr Gofalwyr Ifanc  
Eiriolwr Craffu
- 4.6 Ymhellach, bu i'r Cyngor gymeradwyo Cyfamod y Lluoedd Arfog ym Medi 2013. Yn ystod y drafodaeth ar y mater hwn, awgrymwyd y dylid cynnwys ystyriaeth o Eiriolwr y Lluoedd Arfog fel rhan o'r adolygiad cyffredinol ar rôl Eiriolwyr.
- 4.7 Mae'r Cyngor hefyd yn ddiweddar wedi derbyn llythyr oddi wrth Iadmerydd y WLGA ar Ddiwygio Lles yn gofyn i awdurdodau ystyried penodi Eiriolwyr Tlodi.
- 4.8 Mae arolwg o awdurdodau lleol eraill yng Nghymru wedi datgelu bod llawer iawn o wahaniaethau yn y modd y caiff Eiriolwyr eu penodi, a'r meysydd y maen nhw'n gweithredu ynddynt. Mewn un awdurdod o leiaf, nid oes unrhyw eiriolwyr.
- 4.9 Mae'r ymatebion a dderbyniwyd o Gyngorau eraill mewn perthynas â'u Heiriolwyr hwy i'w gweld mewn tabl fel Atodiad 2 i'r adroddiad hwn.
- 4.10 Yr un rôl gyson o ran meysydd eiriolwyr ar draws Cymru yw Eiriolwr Bobl Hŷn. Mewn rhai awdurdodau, mae'n bosibl bod gan y rôl deitl ychydig yn wahanol ac mae weithiau yn rhan o friff ehangach. Mae eiriolwyr eraill cyffredin yn ymwneud â Gofalwyr, Anabledd, Datblygiad Aelod, Plant a Chraffu.
- 4.11 Fel y nodwyd yn 4.2 uchod, mae'r Cyngor eisoes wedi penodi Eiriolwr i Ofalwyr ac Eiriolwr Anabledd Dysgu.
- 4.12 Nid oes gan y Cyngor Eiriolwr Craffu a benodwyd gan y Cyngor. Bu Eiriolwr Craffu yn y gorffennol gyda Chadeiryddion ac Is-gadeiryddion Craffu yn penodi un o'u plith hwy. Mae hyn yn gyson gydag arfer Cyngorau eraill. Mae yna Rwydwaith Eiriolwyr Craffu sy'n cyfnewid gwybodaeth a syniadau ynghylch Craffu.
- 4.13 Mae nifer o Gyngorau yn ystyried nad oes angen rôl Eiriolwr lle mae yna eisoes Aelod Arweiniol gyda chyfrifoldeb am faes arbennig. Yn yr awdurdodau hyn, mae Eiriolwyr yn cael eu penodi'n unig lle nad oes cyfrifoldeb Aelod Arweiniol eglur neu lle mae yna thema drawsbynciol eglur.
- 4.14 Wrth ystyried y rolau hyn, dylai Aelodau ystyried a oes eisoes rôl eglur mewn perthynas â'r materion hyn o fewn Portffolios Aelod Arweiniol. Mae copi o'r Portffolios Aelod Arweiniol ynghlwm fel Atodiad 3 i'r adroddiad hwn.
- 4.15 Yn ei gyfarfod ar 6 Tachwedd 2012, cymeradwyodd y Cyngor ddisgrifiadau rôl i'r pedwar Eiriolwr a nodwyd. Mae'r disgrifiadau hyn ynghlwm fel Atodiad 1. Mae'r

disgrifiadau rôl hyn yn ceisio darparu eglurder a chysondeb i rôl Eiriolwyr yn Sir Ddinbych. Awgrymir hefyd y dylai unrhyw rolau newydd gael disgrifiadau tebyg. Efallai yr hoffai Aelodau hefyd ystyried a ddylid gofyn i Eiriolwyr, unwaith eu bod wedi'u penodi, nodi eu gweithgareddau blaenoriaeth fel Eiriolwyr ac adrodd nôl, o bosibl yn flynyddol, i bwyllgor neu fforwm aelod arall ar eu hynt yn ystod y flwyddyn.

4.16 Mae yna hefyd amrywiaeth yn y modd y caiff Eiriolwyr eu penodi. Mewn rhai awdurdodau, caiff Eiriolwyr eu penodi gan yr Adran Weithredol, neu mewn rhai achosion gan yr Arweinydd. Mewn awdurdodau eraill, caiff Eiriolwyr eu penodi gan y Cyngor. Mae'r Eiriolwyr sydd eisoes wedi'u cydnabod yng Nghyfansoddiad y Cyngor fel y nodir ym mharagraff 4.2 uchod yn cael eu penodi gan y Cyngor. Gofynnir i aelodau ystyried ai dyma'r dull mwyaf priodol ar gyfer penodi unrhyw Eiriolwyr pellach.

## **5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

5.1 Mae rolau'r Eiriolwyr cyfredol yn cyfrannu at y blaenoriaethau mewn perthynas â phobl fregus a mynediad at dai o ansawdd da.

## **6. Beth fydd yn ei gostio a sut fydd yn effeithio ar wasanaethau eraill?**

6.1 Nid oes unrhyw gostau uniongyrchol yn gysylltiedig gyda'r adroddiad hwn.

## **7. Pa ymgynghoriadau a gynhaliwyd?**

7.1 Ymgynghorwyd ag Arweinwyr Grŵp ac roeddynt o blaid penodi'r pedwar rôl Eiriolwr a gymeradwywyd gan y Cyngor yn Nhachwedd 2012. Mae'r holl Aelodau wedi cael y cyfle i awgrymu rolau eiriolwyr eraill. Gofynnwyd i awdurdodau eraill yng Nghymru am fanylion ynghylch eu Heiriolwyr.

7.2 Ymgynghorwyd â'r SLT ynghylch rôl Eiriolwyr a mynegwyd pryder am y posibilrwydd o ddryswch a/neu ddyblygu rhwng rolau Eiriolwyr ac Aelodau Arweiniol lle mae'r mater sydd yn destun eiriolaeth yn syrthio o fewn cylch gwaith Aelod Arweiniol unigol.

## **8. Datganiad y Prif Swyddog Ariannol**

8.1 Nid oes unrhyw gostau ychwanegol yn uniongyrchol gysylltiedig gyda'r adroddiad hwn.

## **9. Beth yw'r risgiau, ac oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**

9.1 Nid oes unrhyw risgiau wedi'u hadnabod.

## **10. Pŵer i wneud y Penderfyniad**

10.1 Adran 2 Deddf Llywodraeth Leol 2000.

Mae tudalen hwn yn fwriadol wag

**Denbighshire County Council**

**Role Description – Older People’s Champion**

**Accountability**

To the Full Council

**Role, purpose and activities**

1. To act as a strong strategic leader on raising and promoting older people’s issues.
2. To argue, support and defend the concerns, issues and needs of older people in the Councils’ area.
3. To establish good working relationships with officers and others driving forward the strategies, policies and plans.
4. To gain an understanding of older people’s issues and the Council’s statutory obligations to them and where required to explain the duties.
5. To commit to attending nationally facilitated events (such as provided by the WLGA) and to consider making your own regional, cross border and national links as are necessary such as health and equalities champions in local health structures.
6. In addition to health and social care, to contribute to the shift in focus towards the economic contribution of older people, the opportunities to encourage an active life and the benefits of maintaining independence; promoting a positive image for older people.
7. To ensure that older people are and remain a priority in the Councils’ work. As a spokesperson to keep issues at the forefront of debate; raising awareness amongst fellow elected members on older people’s issues and the implications of these for the Council.
8. To promote the wider local democracy in the involvement, participation and engagement of older people in the planning and reviewing of all aspects of a local authority’s work, including service delivery and policy development.
9. To consider and highlight the role of public, private and third sectors in bringing forward solutions.
10. To attend training and regular briefings.
11. To visit projects run by the voluntary and third sector and to learn from the experience and knowledge of older people’s organizations.
12. To keep abreast of the evolving impact of national and legislative changes.
13. Where required, in conjunction with the Lead Member (if relevant) and the Councils’ Communications team, to engage with the media.
14. To consider the role of Carer’s Champion and its impact on this role and whether to work together where appropriate.

## **Person Specification**

### **Within the Council**

Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group

Ability to engage with a range of members and officers around the area of interest and listening to requirements

Ability to advocate on behalf of the area of interest within the council

### **In the Community**

Understanding of the needs of the community in relation to the interest

Ability to engage with citizens and community groups in matters related to the interest.

Ability to lead and support local initiatives related to the interest.

Ability to represent the position of the council to the community in relation to the interest.

September 2012

## **Denbighshire County Council**

### **Role Description – Homelessness Champion**

#### **Accountability**

To the Full Council

#### **Role, purpose and activities**

1. To act as a strong strategic leader on homelessness and raising and promoting homelessness issues.
2. To gain an understanding of homelessness, its' causes and the Council's statutory obligations and where required to explain the duties.
3. To advocate the importance of prevention and responding proactively to homelessness; including advocating realistic funding regimes to provide efficient and effective services for vulnerable families and individuals at risk of homelessness.
4. To gain an understanding of the work of the teams in Housing services including the Homelessness unit and the Supporting People team, promoting these internally and externally. To reflect back to the teams, via appropriate channels, how the service is perceived in the community.
5. To consider and highlight the role of public, private and third sectors in bringing forward solutions.
6. To attend training and regular briefings from the Homelessness team.
7. To visit projects run by the voluntary sector.
8. To keep abreast of the evolving impact of national and legislative changes.
9. As a spokesperson to keep issues at the forefront of debate; raising awareness amongst fellow elected members of homelessness issues and the implications of these for the Council.
10. Where required, in conjunction with the Lead Member and the Councils' Communications team, to engage with the media.

## **Person Specification**

### **Within the Council**

Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group

Ability to engage with a range of members and officers around the area of interest and listening to requirements

Ability to advocate on behalf of the area of interest within the council

### **In the Community**

Understanding of the needs of the community in relation to the interest

Ability to engage with citizens and community groups in matters related to the interest.

Ability to lead and support local initiatives related to the interest.

Ability to represent the position of the council to the community in relation to the interest.

September 2012



## **Denbighshire County Council**

### **Role Description - Carers Champion**

#### **Accountability**

To the Full Council

#### **Role, purpose and activities**

1. To act as a strong strategic leader on raising and promoting issues affecting Carers.
2. To argue, support and defend the concerns, issues and needs of Carers in the Councils' area.
3. To gain an understanding of the needs of Carers across all service user groups, and to share this with Member colleagues. This may necessitate regular contact with Carers.
4. To raise awareness (amongst fellow Elected Members) of the issues facing Carers, and the implications of these for Social Services.
5. Wherever possible, in conjunction with the relevant Lead Member, highlight the needs of Carers, and to act as a Champion within the Council with a view to ensuring that the Council responds to these needs appropriately.
6. To familiarise him/herself with the range of services and organisations available to support Carers locally.
7. To ensure the needs of Carers are and remain a priority in the Councils' work. As a spokesperson to keep issues at the forefront of debate; raising awareness amongst fellow elected members on such issues and the implications of these for the Council.
8. To promote the wider local democracy in the involvement, participation and engagement of Carers in the planning and reviewing of all aspects of a local authority's work, including service delivery and policy development.
9. To keep up to date with developments in local, regional and national strategies, and any legislative changes in regard to Carers, as they occur.
10. To keep up to date with any changes to policy or procedures relating to Carers and to attend relevant training.
11. To become a standing member of the multi-agency Denbighshire Carers Strategy Group.
12. To attend local key events for Carers, e.g. Carers Rights Day Carers week events and conferences.
13. To attend regional and national events in relation to Carers, where possible, e.g. conferences, meetings and forums.
14. Where required, in conjunction with the Lead Member (if relevant) and the Councils' Communications team, to engage with the media.
15. To consider the roles of Older People's Champion and Learning Disability Champion and its impact on this role and whether to work together where appropriate.

## **Person Specification**

### **Within the Council**

Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group

Ability to engage with a range of members and officers around the area of interest and listening to requirements

Ability to advocate on behalf of the area of interest within the council

### **In the Community**

Understanding of the needs of the community in relation to the interest  
Ability to engage with citizens and community groups in matters related to the interest.

Ability to lead and support local initiatives related to the interest.

Ability to represent the position of the council to the community in relation to the interest.

October 2012

## **Denbighshire County Council**

### **Role Description – Learning Disabilities Champion**

#### **Accountabilities**

To Full Council

#### **Role Purpose and Activities**

1. To act as a strong strategic leader on raising and promoting issues affecting persons with a learning disability.
2. To argue, support and defend the concerns, issues and needs of the Learning Disabled in the Councils' area.
3. To establish good working relationships with officers and others driving forward the strategies, policies and plans.
4. To gain an understanding of the issues and the Council's statutory obligations to them and where required to explain the duties.
5. To commit to attending nationally facilitated events (such as provided by the WLGA) and to consider making your own regional, cross border and national links as are necessary such as health and equalities champions in local health structures.
6. In addition to health and social care, to contribute to the shift in focus towards the economic contribution of the Learning Disabled community, the opportunities for an active and social life, and the benefits of maintaining independence with or without support.
7. To ensure that persons with a learning disability are and remain a priority in the Councils' work. As a spokesperson to keep issues at the forefront of debate; raising awareness amongst fellow elected members on such issues and the implications of these for the Council.
8. To promote the wider local democracy in the involvement, participation and engagement of persons with a learning disability and carers in the planning and reviewing of all aspects of a local authority's work, including service delivery and policy development.
9. To consider and highlight the role of public, private and third sectors in bringing forward solutions.
10. To attend training and regular briefings.
11. To visit projects run by the voluntary and third sector and to learn from the experience and knowledge of learning disabled organizations.
12. To keep abreast of the evolving impact of national and legislative changes.
13. Where required, in conjunction with the Lead Member (if relevant) and the Councils' Communications team, to engage with the media.
14. To consider the role of Carer's Champion and its impact on this role and whether to work together where appropriate.

## **Person Specification**

### **Within the Council**

Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group

Ability to engage with a range of members and officers around the area of interest and listening to requirements

Ability to advocate on behalf of the area of interest within the council

### **In the Community**

Understanding of the needs of the community in relation to the interest

Ability to engage with citizens and community groups in matters related to the interest.

Ability to lead and support local initiatives related to the interest.

Ability to represent the position of the council to the community in relation to the interest.

October 2012

## CHAMPIONS

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                   |
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| Carmarthenshire   | <p>Leader<br/>Deputy Leader (Housing)<br/>Deputy Leader (Community &amp; Rural Affairs)<br/>Chair of the Democratic Services Committee</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Armed Forces Champion</b><br/><b>50+ Champion</b><br/><b>Community Champion</b><br/><b>Anti-Poverty Champion</b><br/><b>Member Development Champion</b></p> |
| Bridgend          | <p>Appointed by Cabinet:</p> <p><b>Equalities</b><br/><b>H&amp;S</b> -<br/><b>Children &amp; Young People</b> -<br/><b>Domestic Abuse</b></p> <p>Not formally appointed:</p> <p><b>Older people's</b><br/><b>Waste and recycling</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                   |
| Neath Port Talbot | <p>One Member designated Champion and that is for <b>Older Persons and Carers</b>, who is appointed by Council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                   |
| Flintshire        | <p>No longer have Champions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                   |
| Conwy             | <p><b>Lead Member for Children</b> (Statutory Appointment) – The Leader<br/><b>Welsh Language Champion</b> (Statutory Appointment) – Cabinet Member for Governance and Regulation (Councillor Philip C. Evans J.P.)<br/><b>Carers Champion</b> – Councillor Cheryl Carlisle<br/><b>Third Sector Champion</b> – Chair of the Partnerships Overview and Scrutiny Committee<br/><b>Member Development Champion</b> – Chair of the Democratic Services Committee<br/><b>Older Peoples Champion</b> – Councillor Andrew Hinchliff<br/><b>Disability Champion</b> - Councillor Deion Smith<br/><b>Poverty Champion</b> - Cabinet Member for Communities (Councillor Phil Edwards)</p> <p>Cabinet appoint, and in some instances, confirm the appointments.</p> |                                                                                                                                                                   |
| Torfaen           | <p>Leader as the <b>Sustainability Champion</b> and<br/>Deputy Leader as the <b>Older Persons' Champion</b> – which are part of their portfolio areas.<br/><b>Member Development Champion</b> who is appointed by Council at the AGM.<br/>'back bencher' appointed as the <b>Armed Forces Champion</b> which was an in year appointment by Leader/ C Ex .</p>                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                   |

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| Gwynedd       | <p>Appointed by Cabinet:</p> <ul style="list-style-type: none"> <li>• <b>Older people</b></li> <li>• <b>Carers</b></li> <li>• <b>Autism</b></li> <li>• <b>Disability</b></li> <li>• <b>The Voice of Children and Young Persons</b></li> </ul> <p>Ex officio:</p> <ul style="list-style-type: none"> <li>• Chair of Democratic Services Committee as <b>Members' Development Champion</b></li> <li>• A chair of scrutiny as <b>Scrutiny Champion</b></li> </ul> <p>To be considered:</p> <ul style="list-style-type: none"> <li>• <b>Poverty</b> (see letter from WLGA 15/1/13 and Carl Sargeant 5/2/13)</li> <li>• <b>Road safety</b> (throwback to previous era)</li> </ul> |
| Caerphilly    | <p>The <b>Youth Champion</b> is elected annually (subject to receiving nominations from Members) and the following are appointed at the AGM:</p> <p><b>Child Poverty Champion</b><br/> <b>Equalities Champion</b><br/> <b>Homeless Persons Champion</b><br/> <b>Older Persons Champion</b></p>                                                                                                                                                                                                                                                                                                                                                                               |
| Rhondda       | <p>Four Champions as follows who are the respective Cabinet Members:</p> <ul style="list-style-type: none"> <li>• <b>Members' Services Champion</b></li> <li>• <b>Champion for Older People</b></li> <li>• <b>Social Justice Champion</b></li> <li>• <b>Children's Champion</b></li> </ul> <p>The Leader selects the Champions.</p>                                                                                                                                                                                                                                                                                                                                          |
| Monmouthshire | <p><b>Scrutiny Champion</b> and a <b>Disability Champion</b> both appointed by Council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| <p><b>Councillor Hugh H Evans OBE</b><br/> <b>Leader and Lead Member for Economic Development</b></p> <p><b>Responsible for:</b> External Relationships, Collaboration Partnerships, Regional Lead, Equalities, Local and Regional Economic Strategy, Town Plans, Rhyl Going Forward, Work with local businesses, Management of Cabinet</p> <p><b>Member of:</b> Chair of Corporate Equalities Group; Member of Rhyl Going Forward Programme Board; Rhyl Harbour Board; Local Service Board; Strategic Investment Group; Member of the WLGA Council and WLGA Co-ordinating Committee; Conwy and Denbighshire Collaboration Board; North Wales Regional Leadership Board ; Chair of North Wales Economic Ambition Board, West Rhyl Housing Improvement Board; North Wales Coast Regeneration Partnership Board</p> | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Ensure that Cabinet works effectively by managing the Cabinet's forward plan and ensuring that Cabinet works through it</li> <li>• engage all Councillors in the decision making process</li> <li>• hold lead members accountable for their portfolios and ensure they involve other members as appropriate, before decisions are sought</li> <li>• Adopt a strategy to deliver the corporate priority for Economic &amp; Community Ambition aimed at strengthening the economy of Denbighshire in order to create more business opportunities and jobs</li> <li>• Develop a better understanding of deprivation across Denbighshire supported by a targeted action plan to improve outcomes for residents and communities</li> <li>• Deliver the Rhyl Going Forward plan</li> <li>• Ensure delivery of the priorities for the county's individual communities as identified through Town and Area Plans</li> <li>• Ensure that a business plan is agreed for regional collaboration on economic development and that the objectives of the plan are achieved</li> <li>• Champion economic development and regeneration and ensure Corporate and wider stakeholder "buy in" to deliver set objectives</li> <li>• To maintain effective communication between the Council and external organisations, including WAO, WG, AMs' MPs etc</li> <li>• to ensure that the council meets its requirements in relation to Equality Impact Assessment and staff/Member training</li> <li>• To explore internal/external collaboration projects to achieve efficiencies and for sharing best practices</li> <li>• To challenge Managers to reduce sickness levels within their services</li> </ul> |
| <p><b>Councillor Eryl Wyn Williams</b><br/> <b>Deputy Leader and Lead Member for Education</b></p> <p><b>Responsible for:</b> School Standards, Modernising Education, Regional Lead on Education, Lead on CYPP, WJEC, North Wales School Improvement Board, Community Learning Centres,</p> <p><b>Member of:</b> deputising for the Leader at meetings with North Wales Leaders, Major Projects; LDP; North Wales Residual Waste Food Boards; supporting the Leader with external relations</p>                                                                                                                                                                                                                                                                                                                  | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• To improve education <u>outcomes</u> for children and young people in Denbighshire.</li> <li>• To improve the quality and provision of education for all ages in the lifelong learning context.</li> <li>• To maintain the financial commitment of Education as a priority for Denbighshire</li> <li>• To ensure that Denbighshire provides an <u>inclusive</u> education experience for children and young people in order to secure their <u>well-being</u>.</li> <li>• To deliver the <u>modernisation</u> and capital investment programme for schools in Denbighshire County Council.</li> <li>• Provide political leadership in terms of delivering an adopted LDP and thereafter its review and monitoring process.</li> <li>• To maintain effective communication between the Council and external organisations, including WAO, WAG, AMs' MPs etc.</li> <li>• To ensure that Denbighshire develops an effective service within the region through the collaboration agenda.</li> <li>• To explore internal/external collaborative projects to achieve efficiency gains and for sharing best practices</li> <li>• Challenge managers to reduce sickness levels within their services</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| <p><b>Councillor Bobby Feeley</b><br/> <b>Lead Member for Social Care, Adult and Children's Services</b></p> <p><b>Responsible for:</b> Adult Social Care, Children Services, Lead on NHS matters, Regional Lead on Social Care, Lead on HSCWB / LSCB</p> <p><b>Member of:</b> Modernising Social Services Board; National Social Services Partnership Forum; Cefndy Healthcare; Local Safeguarding Children's Board; Health, Social Care and Well-being Board; BCUHB; Local Adult Protection Committee</p>                                                                                                                                   | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Effective political leadership and input into the Modernisation of Social Services Board</li> <li>• To ensure that the views of Denbighshire residents and potential impacts on social care as a result of the NHS Review are communicates to BCUHB to influence final outcomes</li> <li>• To reduce the levels of sickness absence in both Adult Services and Children's Services</li> <li>• To develop Extra Care Housing across the authority</li> <li>• To further develop the role of the Council as a good Corporate Parent</li> <li>• To champion the user views and develop approaches to participation to ensure they inform service developments</li> <li>• To develop resources in communities to meet social needs identified</li> <li>• To explore internal/external collaborative projects to achieve efficiency gains and for sharing best practices</li> <li>• Challenge managers to reduce sickness levels within their services</li> </ul>                                                                                                                                                                                                                                                                          |
| <p><b>Councillor Hugh Irving</b><br/> <b>Lead Member for Customers and Communities</b></p> <p><b>Responsible for:</b> Customer Service Standards, Communications and Marketing, Website Developments/Customers Insight, Town and Community Councils, Voluntary Sector, Housing including Council Housing, Housing Strategy and Homelessness, Welfare Reform Benefits</p> <p><b>Member of:</b> Council Closer to the Community Board, Strategic Corporate Communications Group; Family Information Services Steering Group; Strategic Housing Partnership; Affordable Housing Working Group; Welfare Reform Group; West Rhyl Housing Board</p> | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• To deliver an efficient, effective and high quality Housing Service</li> <li>• Understand the impact of the Welfare Reform on the council as a whole and ensure that services are preparing to deal with it accordingly</li> <li>• Implementation of the Council Tax Support changes</li> <li>• To enhance the reputation of the Council through the delivery of effective communication and marketing of services.</li> <li>• To support the delivery of the revised Corporate Communications Strategy.</li> <li>• To lead on the continued strategic development of communications and marketing across the authority.</li> <li>• To act as ambassador for effective communication, internally and externally.</li> <li>• To improve the standard of customer service across the authority to help achieve our vision of delivering excellent services and customer care.</li> <li>• To enhance positive links with Town/Community Councils</li> <li>• To support the work and commitment of the voluntary sector</li> <li>• To explore internal/external collaboration projects to achieve efficiencies and for sharing best practices</li> <li>• To challenge Managers to reduce sickness levels within their services</li> </ul> |



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| <p><b>Councillor Huw Ll. Jones</b><br/> <b>Lead Member for Leisure, Youth, Tourism and Rural Development</b></p> <p><b>Responsible for:</b> Tourism Strategy, Leisure, Destination Management, Libraries, Youth, Arms Length Companies, Rural Development, Countryside and Biodiversity, Tourism and Heritage, Welsh Language</p> <p><b>Member of:</b> Denbighshire Rural Development Plan Partnership, Menter Iaith Sir Ddinbych, Tourism Partnership North Wales, Bodelwyddan Castle Trust, Clwyd Pension Panel, Clwydian Range and Dee Valley AONB Board, Creating an Active Denbighshire Group.</p> | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• To ensure that Marketing and Tourism Strategies deliver their objectives of ensuring Denbighshire is a great place to work and visit.</li> <li>• To promote Tourism and champion the Destination Denbighshire campaign</li> <li>• To maximise investment through the Rural Development Plan.</li> <li>• To ensure there is effective support provided to businesses to help to sustain and grow the local economy as part of the Economic Strategy</li> <li>• To maintain a quality and high performing Leisure, Libraries and Youth Service for the residents of Denbighshire</li> <li>• To ensure that the council plays a full role in the development and delivery of Denbighshire's Destination Management Plan</li> <li>• Lead on the development of Denbighshire's policies for Welsh language provision in the County</li> <li>• To explore internal/external collaborative projects to achieve efficiency gains and for sharing best practices</li> <li>• Challenge Managers to reduce sickness levels within their services</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Councillor Barbara Smith</b><br/> <b>Lead Member for Modernising and Performance</b></p> <p><b>Responsible for:</b> Business Transformation, Technology/Efficiency, Flexible working etc., HR, ICT, Corporate Plan, Corporate Governance, Member Training and Development, Regional Lead on 'Support Services', Service and Performance Challenges</p> <p><b>Member of:</b> Modernisation Strategy Board, Modernising Social Services Board, LJCC and Joint Council for Wales</p>                                                                                                                 | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Oversee the production of the Corporate Plan 2012 – 2017 and ensure achievements are monitored on an annual basis</li> <li>• Provide leadership in the development of a Member training programme that is fit for the purpose of supporting current and future Members</li> <li>• Oversee the amalgamation of Coroner districts and recruitment of full time Coroner within the timescales and also the future development of the Coroner's role</li> <li>• Provide political leadership to "Modernising the Council" priority, delivering on the following themes: Dynamic workforce, Service modernisation, Future workspaces</li> <li>• Monitor the delivery of the ICT Strategy Phase 2, ensuring that investment in ICT innovation and infrastructure is focused upon business outcomes and supporting collaborative working in ICT provision where the benefit for Council is clear</li> <li>• Support the delivery of the People Strategy with particular focus on reducing sickness absence and increased rate of appraisal completion and encouraging a culture of flexibility to deliver organisational change</li> <li>• Champion member use of technology, to enable ease of working and to work towards the reduction of paper reports</li> <li>• To ensure Denbighshire has a modern HR Service, fit for purpose, proactively supporting Managers to manage</li> <li>• To explore internal/external collaboration projects to achieve efficiencies and for sharing best practices</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b>Councillor David Smith</b><br/><b>Lead Member for Public Realm</b></p> <p><b>Responsible for:</b> Environment, including Waste, Highways and Infrastructure, Planning and Public Protection (including Private Sector Housing issues: Empty Homes; Housing Grants; Housing Enforcement), Licensing, Sub-regional/Regional lead on public realm, Safer Communities</p> <p><b>Member of:</b> TAITH; Rhyl Harbour Board; North Wales Safety Partnership; North Wales Safety Board; NWRWTP; People &amp; Places Programme Board; Safer Communities; integrated Transport Board; YJS Management Board</p> | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Maintain / improve recycling rates</li> <li>• Ensure key projects affecting Denbighshire County Council are delivered and pose no risk to Denbighshire.</li> <li>• Ensure the Councils environmental regulatory/enforcement activity including fly tipping contributes to a safer Denbighshire for all.</li> <li>• Promote appropriate housing that is safe, affordable, accessible and fit for purpose in the private sector.</li> <li>• Ensure active engagement with TAITH to ensure DCC transport priorities receive recognition.</li> <li>• Secure appropriate levels of investment for the highway network</li> <li>• Address Dog Fouling concerns across Denbighshire</li> <li>• Review of CCTV locally and regionally</li> <li>• To explore internal/external collaborative projects to achieve efficiency gains and for sharing best practices</li> <li>• Challenge Managers to reduce sickness levels within their services</li> </ul> |
| <p><b>Councillor Julian Thompson-Hill</b><br/><b>Lead Member for Finance and Assets</b></p> <p><b>Responsible for:</b><br/>Revenue &amp; Capital Budgets &amp; Financial Legislation; Treasury Management; Risk Assessments<br/>Assets Strategy; Health &amp; Safety Procurement; Internal Audit; Revenues and Benefits; Property Services</p> <p><b>Member of:</b><br/>Chair of Strategic Investment Group; Member of the WLGA Council; Conwy and Denbighshire Collaboration Board; CLAW; Modernising Board, Cefndy Healthcare Board, Rhyl Harbour Board; Asset Management Group</p>                      | <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Maintain sound financial management of the authority</li> <li>• Improve the authority's energy consumption and efficiency</li> <li>• Develop proposals for a sustainable asset portfolio</li> <li>• Improve Health and Safety awareness with Members</li> <li>• Monitor that finance is in place to underpin the new Corporate Plan</li> <li>• Challenge Managers to reduce sickness levels within their services</li> <li>• Explore internal/external collaboration projects to achieve efficiencies and for sharing best practices</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                  |

|                            |                                               |
|----------------------------|-----------------------------------------------|
| <b>Adroddiad i:</b>        | <b>Pwyllgor Llywodraethu Corfforaethol</b>    |
| <b>Dyddiad y Cyfarfod:</b> | <b>27 Chwefror 2013</b>                       |
| <b>Awdur yr Adroddiad:</b> | <b>Pennaeth Gwasanaethau Archwilio Mewnol</b> |
| <b>Teitl:</b>              | <b>Adroddiad ar Hynt Archwilio Mewnol</b>     |

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## 1. Beth yw testun yr adroddiad?

Mae'r adroddiad hwn yn rhoi gwybodaeth i'r Pwyllgor ar hynt ddiweddaraf y gwasanaeth Archwilio Mewnol yn nhermau cyflenwi ei wasanaeth, sicrhau darpariaeth, cwblhau adolygiadau, perfformiad ac effeithiolrwydd o ran hybu gwelliant.

## 2. Beth yw'r rheswm dros wneud yr adroddiad hwn?

I ddod â'r wybodaeth ddiweddaraf i Aelodau ynghylch:

- cyflenwi ein Cynllun Gweithredol ar gyfer 2012/13
- adroddiadau Archwilio Mewnol diweddar a gyhoeddwyd
- ymateb rheolwyr i faterion yr ydym wedi'u codi, yn enwedig ein hadolygiad dilynol o Adnoddau Dynol Strategol (HR)
- perfformiad Archwilio Mewnol

## 3. Beth yw'r Argymhellion?

- bod y Pwyllgor yn ystyried ac yn cynnig sylwadau ar hynt a pherfformiad Archwilio Mewnol hyd yma yn 2012/13
- bod y Pwyllgor yn ystyried ac yn cynnig sylwadau ar adroddiadau Archwilio Mewnol diweddar a gyhoeddwyd
- bod y Pwyllgor yn ystyried yr adroddiad dilynol ar Adnoddau Dynol Strategol ac yn penderfynu pa gamau pellach a threfniadau monitro sy'n ofynnol ar y gweithredoedd gwella sydd heb eu cwblhau

## 4. Hynt Archwilio Mewnol

### *Cyflenwi Cynllun Gweithredu Archwilio Mewnol 2012/13*

- 4.1. Mae Atodiad 1 yn rhoi manylion o'n gwaith yn ystod 2012/13, mewn cymhariaeth â'r Strategaeth Archwilio Mewnol ddiwygiedig. Mae'n cynnwys sgoriau sicrwydd a nifer y materion a godwyd i'r adolygiadau a gwblhawyd, y diffiniadau a ddefnyddiwyd i ffurfio ein sicrwydd archwilio a'r graddau a ddefnyddiwyd i asesu'r lefelau risg i'r materion a godwyd.

## **Crynodeb o Adroddiadau Archwilio Mewnol Diweddar**

4.2. Mae ein hadroddiadau yn defnyddio lliwiau i'r graddau sicrwydd fel a ganlyn:

|               |                  |                                                                                   |
|---------------|------------------|-----------------------------------------------------------------------------------|
| <b>Gwyrdd</b> | Sicrwydd Uchel   | Risgiau a rheolaethau wedi'u rheoli'n dda                                         |
| <b>Melyn</b>  | Sicrwydd Canolig | Risgiau wedi'u hadnabod ond yn gallu mynd i'r afael â hwy o fewn lefel gwasanaeth |
| <b>Oren</b>   | Sicrwydd Isel    | Risgiau wedi'u hadnabod, ac angen cyfarfod gyda'r Cyfarwyddwr / Aelod Arweiniol   |
| <b>Coch</b>   | Dim Sicrwydd     | Risgiau sylweddol wedi'u hadnabod, angen cynhadledd achos aelod / swyddog         |

4.3. Ers fy adroddiad yn Ionawr 2013, rydym wedi cyhoeddi'r adroddiadau canlynol.

| Adroddiad Archwilio                                         | Barn Archwilio | Materion a Godwyd       |                       |                        | Sylwadau                                                                                          |
|-------------------------------------------------------------|----------------|-------------------------|-----------------------|------------------------|---------------------------------------------------------------------------------------------------|
|                                                             |                | Risg Argy-fyngus (Coch) | Risg Sylweddol (Oren) | Risg Cymhedrol (Melyn) |                                                                                                   |
| Risg cynhenid uchel o'r Gofrestr Risg Corfforaethol - DCC04 | <b>Gwyrdd</b>  | 0                       | 0                     | 0                      | Y risg ein bod yn methu datblygu staff a'r gallu rheoli i gyflawni'r agenda newid.                |
| Risg cynhenid uchel o'r Gofrestr Risg Corfforaethol - DCC09 | <b>Gwyrdd</b>  | 0                       | 0                     | 0                      | Y risg nad yw seilwaith TGCh strategol yn galluogi gwelliant a chefnogi newid.                    |
| Gweinyddu'r Gwasanaeth Gwastraff Masnachol                  | <b>Melyn</b>   | 0                       | 0                     | 5                      |                                                                                                   |
| Ymrwymiad i Leihau Carbon                                   | <b>Melyn</b>   | 0                       | 0                     | 4                      |                                                                                                   |
| Asesiadau Risg Tân                                          | <b>Oren</b>    | 0                       | 2                     | 1                      | Cynhaliwyd Uwch Gyfarfod gyda'r Cyfarwyddwr Corfforaethol a'r Aelod Arweiniol ar 16 Ionawr 2013   |
| Theatr y Pafiliwn, Y Rhyl                                   | <b>Oren</b>    | 3                       | 2                     | 8                      | Cynhaliwyd Uwch Gyfarfod gyda'r Cyfarwyddwr Corfforaethol a'r Aelod Arweiniol ar 21 Tachwedd 2012 |
| Tai Cyngor – Atgyweiriadau Ymatebol & Gwag                  | <b>Coch</b>    | 2                       | 9                     | 8                      | Cynhaliwyd Uwch Gyfarfod gyda'r Aelod Arweiniol ar 5 Chwefror 2013                                |

### **Ymateb rheolwyr i faterion a godwyd gan Archwilio Mewnol**

1. Mae'r rhan fwyaf o'r adroddiadau Archwilio Mewnol yn adnabod risgiau a gwendidau rheoli. Rydym yn graddio'r rhain yn risgiau argyfyngus, sylweddol neu gymedrol. Mae rheolwyr yn cytuno i fynd i'r afael â'r risgiau, gan gynnwys cyfrifoldebau ac amserlenni.
1. Rydym yn adrodd ar yr holl achosion lle mae rheolwyr yn methu ag ymateb i'n gwaith dilynol, neu lle y mae tri mis wedi mynd heibio'r dyddiad gweithredu y cytunwyd arno. Mae'r Pwyllgor hwn yn penderfynu a oes angen cymryd camau pellach, er enghraifft, trwy alw'r

personau perthnasol i'w gyfarfod nesaf neu trwy ofyn am adroddiad ysgrifenedig i esbonio'r diffyg cynnydd.

1. Cyhoeddwyd ein hadroddiad dilynol ar Adnoddau Dynol Strategol ar 13 Chwefror 2013 (atodiad 2), gan roi Sicrwydd Oren oherwydd y diffyg cynnydd o ran gweithredu'r cynllun gweithredu y cytunwyd arno. Roedd y Cynllun Gweithredu yn codi 11 Mater/Risg a oedd yn arwain at 45 o weithredoedd penodol gyda chyfrifoldebau a gweithredoedd y cytunwyd arnynt. Hyd yn hyn, dim ond 17 o weithredoedd sydd wedi'u gweithredu'n llawn, ac mae dyddiadau newydd ar gyfer gweithredu wedi'u darparu mewn sawl achos. Gan fod nifer o'r gweithredoedd dros 3 mis yn hwyr, gofynnwyd i'r Pennaeth Adnoddau Dynol Strategol fynychu'r Cyfarfod hwn i esbonio'r diffyg cynnydd.

### ***Perfformiad Archwilio Mewnol – Mesurau Allweddol***

***Mesur - Adolygu 100% o feysydd Sicrwydd S151 cytunedig yn y Cynllun Archwilio Gweithredol erbyn 31 Mawrth 2013 (6 prosiect)***

- 4.4. Hyd yn hyn, rydym wedi cwblhau 40% o'r prosiectau a gynlluniwyd, gydag eraill i'w cwblhau cyn 31 Mawrth 2013.

***Mesur - Adolygu 100% o'r meysydd Sicrwydd Llywodraethu Corfforaethol cytunedig yn y Cynllun Archwilio Gweithredol erbyn 31 Mawrth 2013 (3 prosiect)***

- 4.5. Mae gwaith yn cael ei wneud ar y Fframwaith Llywodraethu Corfforaethol drwy'r flwyddyn. Rydym wedi cwblhau prosiect ar Reoli Perfformiad a byddwn yn adolygu rheoli risg cyn 31 Mawrth 2013.

***Mesur - Adolygu 100% o Risgiau Cynhenid Uchel o'r Gofrestr Risg Corfforaethol erbyn 31 Mawrth 2013 (6 prosiect)***

- 4.6. Rydym wedi cwblhau 83% o'r prosiectau a gynlluniwyd, gyda'r gwaith bron ar ben yn y prosiect sy'n weddill.

Mae tudalen hwn yn fwriadol wag

## Appendix 1

### Internal Audit Work 2012/13 – progress as at 3 February 2013

| Internal Audit Operational Plan                                | Revised Planned Days | Days to Date | Current Status | Audit Assurance | No. of Critical Issues | No. of Major Issues | No. of Moderate Issues | Comments              |
|----------------------------------------------------------------|----------------------|--------------|----------------|-----------------|------------------------|---------------------|------------------------|-----------------------|
| <b>Financial Assurance</b>                                     |                      |              |                |                 |                        |                     |                        |                       |
| Financial Systems – Rhyl based                                 | 40                   | 38           | Complete       | Green           | 0                      | 0                   | 4                      |                       |
| Financial Systems – Ruthin based                               | 30                   | 5            | In progress    |                 |                        |                     |                        | Programmed for Jan 13 |
| Financial Systems Assurance Testing (IDEA) 2011-12             | 20                   | 20           | Complete       | Green           | 0                      | 0                   | 0                      |                       |
| Programme & Project Management                                 | 15                   | 8            | In progress    |                 |                        |                     |                        |                       |
| Procurement                                                    | 15                   | 0            | Not started    |                 |                        |                     |                        | Programmed for Mar 13 |
| <b>Sub-totals</b>                                              | <b>120</b>           | <b>71</b>    |                |                 |                        |                     |                        |                       |
| <b>Grant &amp; Other Certification Assurance</b>               |                      |              |                |                 |                        |                     |                        |                       |
| Sustainability/Climate Change                                  | 20                   | 27           | Complete       | Yellow          | 0                      | 0                   | 4                      |                       |
| Welsh Government (WG) Education Grant Certification            | 20                   |              |                |                 |                        |                     |                        |                       |
| - Breakfast initiative Grant                                   |                      | 4            | Complete       | Green           | 0                      | 0                   | 0                      |                       |
| - Thinking & Assessment for Learning Grant                     |                      | 11           | In progress    |                 |                        |                     |                        |                       |
| WG 6 <sup>th</sup> Form Funding – Ysgol Dinas Bran, Llangollen | 12                   | 12           | Complete       | Green           | 0                      | 0                   | 2                      |                       |
| WG Student Finance Certification                               | 6                    | 6            | Complete       | Green           | 0                      | 0                   | 1                      |                       |
| WG Adult Education Certification                               | 9                    | 9            | Complete       | Green           | 0                      | 0                   | 0                      |                       |
| <b>Sub-totals</b>                                              | <b>67</b>            | <b>69</b>    |                |                 |                        |                     |                        |                       |
| <b>Corporate Governance Assurance</b>                          |                      |              |                |                 |                        |                     |                        |                       |
| Risk Management                                                | 20                   | 2            | Preparation    |                 |                        |                     |                        |                       |
| Corporate Governance Framework                                 | 30                   | 17           | In progress    |                 |                        |                     |                        |                       |

| Internal Audit Operational Plan                                                                                                         | Revised Planned Days | Days to Date | Current Status | Audit Assurance | No. of Critical Issues | No. of Major Issues | No. of Moderate Issues | Comments                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|----------------|-----------------|------------------------|---------------------|------------------------|-----------------------------------------------------|
| Corporate Performance Management                                                                                                        | 10                   | 11           | Complete       | Yellow          | 0                      | 0                   | 5                      |                                                     |
| Equalities                                                                                                                              | 15                   | 3            | Preparation    |                 |                        |                     |                        |                                                     |
| <b>Sub-totals</b>                                                                                                                       | <b>75</b>            | <b>33</b>    |                |                 |                        |                     |                        |                                                     |
| <b>High Corporate Risk Assurance</b>                                                                                                    |                      |              |                |                 |                        |                     |                        |                                                     |
| The risk of a serious safeguarding error where the Council has responsibility                                                           | 15                   | 14           | Complete       |                 |                        |                     |                        | No report issued. Process review in taxi licensing. |
| The risk that we are unable to develop the staff and management capability to deliver the change agenda                                 | 5                    | 4            | Complete       | Green           | 0                      | 0                   | 0                      |                                                     |
| The risk that the time and effort invested in collaboration is disproportionate to the benefits realised                                | 15                   | 5            | In progress    |                 |                        |                     |                        |                                                     |
| The risk that the economic environment worsens beyond current expectations, leading to additional demand on services and reduced income | 5                    | 3            | Complete       | Green           | 0                      | 0                   | 0                      |                                                     |
| The risk that strategic ICT infrastructure does not enable improvement and support change                                               | 10                   | 1            | Complete       | Green           | 0                      | 0                   | 0                      |                                                     |
| The risk that our asset portfolio becomes an unmanageable liability and an obstacle to strategic planning                               | 4                    | 4            | Complete       | Green           | 0                      | 0                   | 0                      |                                                     |
| <b>Sub-totals</b>                                                                                                                       | <b>54</b>            | <b>31</b>    |                |                 |                        |                     |                        |                                                     |



| Internal Audit Operational Plan          | Revised Planned Days | Days to Date | Current Status | Audit Assurance | No. of Critical Issues | No. of Major Issues | No. of Moderate Issues | Comments                                                   |
|------------------------------------------|----------------------|--------------|----------------|-----------------|------------------------|---------------------|------------------------|------------------------------------------------------------|
| <b>Adult Services</b>                    |                      |              |                |                 |                        |                     |                        |                                                            |
| Direct Care Costs & Placements           | 15                   | 18           | Draft report   |                 |                        |                     |                        |                                                            |
| Efficiency of Charging Processes         | 20                   | 2            | In progress    |                 |                        |                     |                        |                                                            |
| <b>Sub-totals</b>                        | <b>35</b>            | <b>20</b>    |                |                 |                        |                     |                        |                                                            |
| <b>Children's Services</b>               |                      |              |                |                 |                        |                     |                        |                                                            |
| Out of County Placements                 | 10                   | 0            | Not started    |                 |                        |                     |                        | Programmed for Feb 13                                      |
| Fostering Service                        | 15                   | 1            | Preparation    |                 |                        |                     |                        | Programmed for Feb 13                                      |
| Youth Offending Team                     | 12                   | 0            | Not started    |                 |                        |                     |                        | Cancelled as partnership arrangement to be audited by CCBC |
| Lone Working Practices                   | 5                    | 5            | Complete       |                 |                        |                     |                        | Staff survey only                                          |
| <b>Sub-totals</b>                        | <b>42</b>            | <b>6</b>     |                |                 |                        |                     |                        |                                                            |
| <b>Customers &amp; Education Support</b> |                      |              |                |                 |                        |                     |                        |                                                            |
| Cashiers Services                        | 5                    | 1            | In progress    |                 |                        |                     |                        |                                                            |
| Modernising Education                    | 10                   | 0            | Not started    |                 |                        |                     |                        | Programmed for Feb 13                                      |
| <b>Sub-totals</b>                        | <b>15</b>            | <b>1</b>     |                |                 |                        |                     |                        |                                                            |
| <b>Education Services</b>                |                      |              |                |                 |                        |                     |                        |                                                            |
| School Improvement                       | 30                   |              |                |                 |                        |                     |                        |                                                            |
| - School Balances                        |                      | 5            | Complete       |                 |                        |                     |                        | Report for Performance Scrutiny Committee                  |
| - Travel costs                           |                      | 11           | Complete       |                 |                        |                     |                        | No report issued. Head of Service request for analysis.    |
| Ysgol Clawdd Offa, Prestatyn             |                      | 13           | In progress    |                 |                        |                     |                        |                                                            |
| Rhyl High School                         | 15                   | 15           | Complete       | Yellow          | 0                      | 0                   | 4                      |                                                            |
| <b>Sub-totals</b>                        | <b>45</b>            | <b>44</b>    |                |                 |                        |                     |                        |                                                            |

| Internal Audit Operational Plan                   | Revised Planned Days | Days to Date | Current Status | Audit Assurance | No. of Critical Issues | No. of Major Issues | No. of Moderate Issues | Comments                      |
|---------------------------------------------------|----------------------|--------------|----------------|-----------------|------------------------|---------------------|------------------------|-------------------------------|
| <b>Environment</b>                                |                      |              |                |                 |                        |                     |                        |                               |
| Trade Refuse                                      | 26                   | 27           | Complete       | Yellow          | 0                      | 0                   | 5                      |                               |
| Sign Shop                                         | 20                   | 0            | Not started    |                 |                        |                     |                        | To be programmed              |
| Countryside Services                              | 25                   | 0            | Not started    |                 |                        |                     |                        | Programmed for Feb 13         |
| Public Realm                                      | 45                   | 43           | Complete       | Yellow          | 0                      | 2                   | 12                     |                               |
| Corporate Health & Safety - Fire Risk Assessments | 10                   | 12           | Complete       | Amber           | 0                      | 2                   | 1                      |                               |
| <b>Sub-totals</b>                                 | <b>126</b>           | <b>82</b>    |                |                 |                        |                     |                        |                               |
| <b>Finance &amp; Assets</b>                       |                      |              |                |                 |                        |                     |                        |                               |
| Travel & Subsistence                              | 25                   | 25           | Complete       |                 |                        |                     |                        |                               |
| Property Management                               | 20                   | 0            | Not started    |                 |                        |                     |                        | Programmed for Mar 13         |
| <b>Sub-totals</b>                                 | <b>45</b>            | <b>25</b>    |                |                 |                        |                     |                        |                               |
| <b>Highways &amp; Infrastructure</b>              |                      |              |                |                 |                        |                     |                        |                               |
| Business Continuity Planning                      | 2                    | 2            | Complete       | Amber           | 0                      | 1                   | 0                      |                               |
| Winter Maintenance                                | 20                   | 20           | In progress    |                 |                        |                     |                        |                               |
| Flood Risk Management                             | 10                   | 0            | Not started    |                 |                        |                     |                        | Programmed for Mar 13         |
| Major Projects                                    | 2                    | 2            | Complete       |                 |                        |                     |                        | Completion of 2011/12 project |
| Home to School Transport                          | 21                   | 21           | Complete       | Yellow          | 1                      | 2                   | 10                     |                               |
| <b>Sub-totals</b>                                 | <b>55</b>            | <b>45</b>    |                |                 |                        |                     |                        |                               |
| <b>Housing &amp; Community Development</b>        |                      |              |                |                 |                        |                     |                        |                               |
| Housing Services                                  | 20                   | 3            | In progress    |                 |                        |                     |                        |                               |
| Strategic Regeneration                            | 25                   | 5            | In progress    |                 |                        |                     |                        |                               |
| Housing Maintenance                               | 21                   | 20           | Complete       | Red             | 2                      | 9                   | 8                      |                               |
| <b>Sub-totals</b>                                 | <b>66</b>            | <b>22</b>    |                |                 |                        |                     |                        |                               |

| Internal Audit Operational Plan                                   | Revised Planned Days | Days to Date | Current Status   | Audit Assurance | No. of Critical Issues | No. of Major Issues | No. of Moderate Issues | Comments                                                      |
|-------------------------------------------------------------------|----------------------|--------------|------------------|-----------------|------------------------|---------------------|------------------------|---------------------------------------------------------------|
| <b>Legal &amp; Democratic Services</b>                            |                      |              |                  |                 |                        |                     |                        |                                                               |
| Democratic Services                                               | 3                    | 0            | To be programmed |                 |                        |                     |                        | Scope reduced to look at Whistleblowing & Anti-Fraud policies |
| Translation Service                                               | 11                   | 11           | Complete         | Yellow          | 0                      | 1                   | 1                      | Project arising from Service Challenge                        |
| <b>Sub-totals</b>                                                 | <b>14</b>            | <b>11</b>    |                  |                 |                        |                     |                        |                                                               |
| <b>Communication, Marketing &amp; Leisure</b>                     |                      |              |                  |                 |                        |                     |                        |                                                               |
| Leisure Services                                                  | 1                    | 0            | Not started      |                 |                        |                     |                        |                                                               |
| Community Buildings - Rhyl Town Hall                              | 6                    | 6            | Complete         | Yellow          | 0                      | 0                   | 10                     |                                                               |
| Pavilion Theatre, Rhyl                                            | 47                   | 47           | Complete         | Amber           | 3                      | 2                   | 8                      |                                                               |
| Leisure Centres                                                   | 1                    | 0            | Not started      |                 |                        |                     |                        |                                                               |
| Integrated Children's Centres                                     | 15                   | 13           | In progress      |                 |                        |                     |                        |                                                               |
| <b>Sub-totals</b>                                                 | <b>70</b>            | <b>66</b>    |                  |                 |                        |                     |                        |                                                               |
| <b>Planning &amp; Public Protection</b>                           |                      |              |                  |                 |                        |                     |                        |                                                               |
| Contingency for input to Public Protection service reorganisation | 10                   | 0            | As requested     |                 |                        |                     |                        |                                                               |
| <b>Sub-totals</b>                                                 | <b>10</b>            | <b>0</b>     |                  |                 |                        |                     |                        |                                                               |
| <b>Strategic Human Resources</b>                                  |                      |              |                  |                 |                        |                     |                        |                                                               |
| Strategic HR                                                      | 19                   | 19           | Complete         | Amber           | 0                      | 1                   | 10                     |                                                               |
| <b>Sub-totals</b>                                                 | <b>19</b>            | <b>19</b>    |                  |                 |                        |                     |                        |                                                               |
| <b>ICT &amp; Business Transformation</b>                          |                      |              |                  |                 |                        |                     |                        |                                                               |
| IT Service Desk, Incident & Problem Management                    | 20                   | 0            | Not started      |                 |                        |                     |                        | Programmed for Feb 13                                         |
| IT Service Continuity Management                                  | 1                    | 1            | Complete         |                 |                        |                     |                        |                                                               |
| IT Operations Management                                          | 22                   | 21           | Complete         | Yellow          | 0                      | 1                   | 7                      |                                                               |

| Internal Audit Operational Plan                | Revised Planned Days | Days to Date | Current Status | Audit Assurance | No. of Critical Issues | No. of Major Issues | No. of Moderate Issues | Comments                                   |
|------------------------------------------------|----------------------|--------------|----------------|-----------------|------------------------|---------------------|------------------------|--------------------------------------------|
| IT Project Management                          | 20                   | 21           | Draft report   |                 |                        |                     |                        |                                            |
| <b>Sub-totals</b>                              | <b>63</b>            | <b>43</b>    |                |                 |                        |                     |                        |                                            |
| <b>Corporate Areas of Work</b>                 |                      |              |                |                 |                        |                     |                        |                                            |
| Data Protection & FOI                          | 35                   | 34           | Complete       | Amber           | 0                      | 4                   | 3                      |                                            |
| Relief, Casual & Agency Staff                  | 15                   | 17           | In progress    |                 |                        |                     |                        |                                            |
| Consultant payments                            | 10                   | 15           | In progress    |                 |                        |                     |                        |                                            |
| <b>Sub-totals</b>                              | <b>60</b>            | <b>66</b>    |                |                 |                        |                     |                        |                                            |
| <b>External Contract Work</b>                  |                      |              |                |                 |                        |                     |                        |                                            |
| Countryside Council for Wales                  | 165                  | 174          | In progress    |                 |                        |                     |                        | Additional work requested on investigation |
| North Wales Police Authority                   | 210                  | 169          | In progress    |                 |                        |                     |                        |                                            |
| School Fund Audits                             | 35                   | 39           | In progress    |                 |                        |                     |                        |                                            |
| <b>Sub-totals</b>                              | <b>410</b>           | <b>382</b>   |                |                 |                        |                     |                        |                                            |
| <b>Other Areas of Work &amp; Contingencies</b> |                      |              |                |                 |                        |                     |                        |                                            |
| Consultancy & Corporate Work                   | 140                  | 103          | In progress    |                 |                        |                     |                        |                                            |
| Follow up reviews                              | 50                   | 49           | In progress    |                 |                        |                     |                        |                                            |
| IA collaboration                               | 20                   | 13           | In progress    |                 |                        |                     |                        |                                            |
| Frauds & Investigations                        | 50                   | 8            |                |                 |                        |                     |                        |                                            |
| -National Fraud Initiative                     |                      | 11           | In progress    |                 |                        |                     |                        |                                            |
| -Purchasing Cards                              |                      | 2            | Complete       |                 |                        |                     |                        |                                            |
| -Ysgol Clawdd Offa                             |                      | 8            | Complete       |                 |                        |                     |                        |                                            |
| Corporate Priorities & Efficiencies Work       | 25                   | 21           | In progress    |                 |                        |                     |                        |                                            |
| <b>Sub-totals</b>                              | <b>285</b>           | <b>215</b>   |                |                 |                        |                     |                        |                                            |

| Internal Audit Operational Plan | Revised Planned Days | Days to Date | Current Status | Audit Assurance | No. of Critical Issues | No. of Major Issues | No. of Moderate Issues | Comments |
|---------------------------------|----------------------|--------------|----------------|-----------------|------------------------|---------------------|------------------------|----------|
| <b>IA Support</b>               |                      |              |                |                 |                        |                     |                        |          |
| Management & Admin              | 380                  | 323          |                |                 |                        |                     |                        |          |
| Training                        | 90                   | 129          |                |                 |                        |                     |                        |          |
| <b>Sub-totals</b>               | <b>470</b>           | <b>452</b>   |                |                 |                        |                     |                        |          |
| <b>Grand Totals</b>             | <b>2146</b>          | <b>1709</b>  |                |                 |                        |                     |                        |          |

Mae tudalen hwn yn fwriadol wag

***Denbighshire Internal Audit Services***  
*Caledfryn, Smithfield Road, Denbigh, LL16 3RJ*

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# **Internal Audit Follow Up**

## **Strategic Human Resources**

February 2013



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Ivan Butler CMIIA, MBA, Head of Internal Audit Services

## Purpose & Scope of Review

We issued a report on Strategic Human Resources (HR) in October 2012, giving a low (amber) assurance rating.





We raised one major risk/issue and ten moderate risks/issues in our report, and have now followed up the report action plan to ensure that the agreed improvements have been made.

Some of the actions relied on the outcome of various process reviews within HR that the Head of Internal Audit (HIA) facilitated in August 2012. The HIA will follow these up separately during February 2012.

Financial  
56

## Assurance Rating

(Based on areas reviewed)

|                                                                                    |                  |                                                                            |
|------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------|
|   | High Assurance   | Risks and controls well managed                                            |
|  | Medium Assurance | Risks identified but are containable at service level                      |
|  | Low Assurance    | Risks identified that require meeting with Corporate Director/Lead Member  |
|  | No Assurance     | Significant risks identified that require member / officer case conference |

## Audit Opinion

While some action has been taken to address the issues/risks we raised in our report in October 2012, progress has been disappointingly slow. Strategic HR is reliant on managers to provide them with accurate and prompt information and to attend the necessary HR training provided but, in our opinion, Strategic HR has not supplied all the necessary tools for managers to carry out operational HR tasks, including having up-to-date policies and procedures, and having effective resources in place for any queries to be answered accurately and promptly.

The HR service model implemented in April 2011 meant devolving more operational HR processes to managers but we found that managers are not fully clear of their HR responsibilities and this new model is not fully embedded. Strategic HR has attempted to rectify this by preparing standard operating procedures and providing 'power hours' training sessions but, despite advertising, training attendance has been relatively low.

Project management scoping within Strategic HR needs to continue to ensure that all policies and procedures are updated, and that these are easily accessible through the Council's intranet. Also, by not carrying out quality assurance checks, Strategic HR cannot be certain that services are applying processes correctly and consistently. This increases the risk of inaccurate payments and non-compliance with legislation.

As there is insufficient progress on the action plan and with addressing the issues/risks that we raised in our original review, our assurance rating remains as 'low'. Also, as some of the original agreed implementation dates will be missed by more than three months, we will report this to the Corporate Governance Committee, which will require an explanation for the lack of progress.



# Action Plan Progress

**Audit Review of:** Strategic Human Resources – First Follow Up

**Date:** February 2013

**Action Plan Owner:** Head of Strategic HR

| Corporate Risk/Issue Severity Key |                                                                                                        |
|-----------------------------------|--------------------------------------------------------------------------------------------------------|
|                                   | <b>Critical</b> – Significant CET and Cabinet intervention                                             |
|                                   | <b>Major</b> – intervention by SLT and/or CET with Cabinet involvement                                 |
|                                   | <b>Moderate</b> – Containable at service level. Senior management and SLT may need to be kept informed |

| Risk/ Issue No. | Risk/Issue                                                                                                                                                                                                                                                                                                                      | Action Agreed Responsibility & Timescale                                                                                                                                                                                                                                               | Current Status                                                                                                                                                                                                                                                                       | Further Action Needed                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tudalen 57      | Data held on the Trent system is not always accurate, as it is not always updated promptly, e.g. vacant posts are not always closed off. Despite previous work undertaken, e.g. data quality monitoring, there is a risk of poor data quality, objectives not being met, inaccurate reporting, and ineffective decision-making. | We are currently undertaking a data cleansing exercise to ensure that all employee data is correct. This requires printing out the employee information held on Trent and asking employees to verify or change the information.<br><b>Management Information Officer December 2012</b> | Some work has been carried out to cleanse the data on the Trent system.                                                                                                                                                                                                              | HR needs to check that all employees have received the form detailing their employee information, and that they have returned the form to HR to update the system.<br><b>Revised Completion Date: March 2013</b><br><br>The HR Business Partner is also working on a project that involves identifying anomalies with the organisation structure on the Trent system.<br><b>Revised Completion Date: October 2013</b> |
|                 |                                                                                                                                                                                                                                                                                                                                 | Unclosed and open vacancies to be discussed as part of the workforce planning exercise being undertaken with services in October 2012.<br><b>Business Partners October 2012</b>                                                                                                        | The HR Business Partner confirmed that unclosed and open vacancies are discussed with heads of services on a monthly basis, and form part of the workforce planning exercise, which was completed in October 2012. The HR Business Partners will review all vacancies in April 2013. | n/a                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                 |                                                                                                                                                                                                                                                                                                                                 | Vacancy control discussions to form part of monthly reviews with services.<br><b>BP/Specialists On going</b>                                                                                                                                                                           |                                                                                                                                                                                                                                                                                      | n/a                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                 |                                                                                                                                                                                                                                                                                                                                 | This will be subject to the Systems Thinking Review commencing 17/08/12.<br><b>HR Services Manager December 2012</b>                                                                                                                                                                   | The HIA facilitated a process review in August 2012.                                                                                                                                                                                                                                 | Implement the outcomes of the process review.<br><b>Revised Completion Date: October 2013</b>                                                                                                                                                                                                                                                                                                                         |

| Risk/<br>Issue<br>No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                                                                                              | Action Agreed<br>Responsibility & Timescale                                                                                                                                                                                                                                                                                                                                            | Current Status                                                                                                                                                                                                                                                                                                                                                                     | Further Action Needed                                                                                                                                |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.                    | There is no robust mechanism in place to determine accurately the future number of employees required within the Council to help identify shortages and competency gaps. This is due to a lack of system integration that links a post to the budget, which results in HR having to interpret the effects of budget savings on posts.                                                                                                                   | <p>Arrangements are already in place for a Workforce Planning Exercise undertaken annually with services to facilitate services to determine the future number of employees required by their service.</p> <p><b>Business Partners<br/>October/November Annually</b></p>                                                                                                               | <p>The HR Business Partner confirmed that, as part of the workforce planning exercise, Business Partners meet with heads of services to discuss what they expect the future number of employees to be in six months time. Business Partners will review after six months and query with the head of service where there is any difference in the number of employees forecast.</p> | <p>In light of increasing budgetary pressures, it would be beneficial for managers to forecast further in advance the future employees required.</p> |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Work has been undertaken with Finance and ICT to combine financial information with HR reports.</p> <p><b>Business Partners - Completed</b></p>                                                                                                                                                                                                                                     | <p>Finance has set up reports combining HR and financial data. Accurate budgetary reporting of posts will rely on the maintenance of the data contained within the Trent system.</p>                                                                                                                                                                                               |                                                                                                                                                      |
| 3.                    | <p>Although the new structure sees HR in a supportive role, as opposed to a 'policing' role, there is a lack of quality assurance checking to ensure that employees and managers are complying with HR policies and procedures. This increases the risk of the Council not complying with relevant legislation and it increases further if HR employees and service managers receive inadequate training and are unclear of their responsibilities.</p> | <p>Monitoring of Employee Relation cases, settlements, and Employee Tribunal claims - part of Employee Relation Report discussed with Heads of Service on a monthly basis.</p> <p><b>Business Partners April 2012 - Complete</b></p>                                                                                                                                                   | <p>The HR Business Partner confirmed that monitoring of employee relation reports, settlements, and claims are carried out monthly with heads of services.</p>                                                                                                                                                                                                                     | <p>n/a</p>                                                                                                                                           |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>This will be subject to the Systems Thinking Review commencing 17/08/12.</p> <p><b>HR Services Manager December 2012</b></p>                                                                                                                                                                                                                                                        | <p>The HIA facilitated a process review in August 2012.</p>                                                                                                                                                                                                                                                                                                                        | <p>Implement the outcomes of the process review</p> <p><b>Revised Completion Date:<br/>October 2013</b></p>                                          |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Explore a quality assurance framework to check processes to ensure that managers are complying with policies and procedures. It will establish where the organisation is doing well and where it is not. This will need to be scoped out as a project and agreed by SLT, as there is currently no HR resource allocated to this.</p> <p><b>HR Services Manager January 2013</b></p> | <p>The quality assurance framework has not yet been implemented.</p>                                                                                                                                                                                                                                                                                                               | <p>Implement a quality assurance framework.</p> <p><b>Revised Completion Date: June 2013</b></p>                                                     |

| Risk/ Issue No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                        | Action Agreed Responsibility & Timescale                                                                                                                                                                   | Current Status                                                                                                                                                                                                                                                             | Further Action Needed                                                                                                      |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 4.              | There is an increased risk of inaccurate payments to employees, as HR does not always submit documentation to Payroll promptly or accurately, as we identified in our previous annual reviews of the Payroll system. This creates additional pressure on the Payroll team in scrutinising and amending forms to prevent inaccurate payments while still meeting strict deadlines. | Standard Operating Procedures to set out clear deadlines for managers and schools on when information is required.<br><b>HR Services Manager September 2012</b>                                            | The Standard Operating procedures have been issued to heads of services to raise awareness of the responsibilities of HR and managers.                                                                                                                                     | The Standard Operating procedures should be made available on the intranet for future reference.                           |
|                 |                                                                                                                                                                                                                                                                                                                                                                                   | There is a Business and Finance Manager forum, where SLA issues are discussed and we can raise any issues with inaccurate or late documentation at this forum.<br><b>HR Services Manager December 2012</b> | The HR Services Manager explained that any HR issues coming out of SLT are referred to heads of services and school representatives. Additionally, she plans to meet with finance cluster managers and head teachers to raise the importance of accurate data for payroll. | n/a                                                                                                                        |
|                 |                                                                                                                                                                                                                                                                                                                                                                                   | Meetings have been set up with the team managers and Payroll to discuss any issues.<br><b>Team Managers - Immediate</b>                                                                                    | Meetings between HR and Payroll have not taken place due to staff absences, but are scheduled to start the end of January 2013 on a fortnightly basis.                                                                                                                     | Meetings between Payroll & HR Team Managers to be held on a regular basis.<br><b>Revised Completion Date: January 2013</b> |
|                 |                                                                                                                                                                                                                                                                                                                                                                                   | Returns to be sent directly to Team Managers not HRAs.<br><b>Payroll - Immediate</b>                                                                                                                       | Returns are sent directly to HR Team Managers                                                                                                                                                                                                                              | n/a                                                                                                                        |
|                 |                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring system in place to monitor error rates and ensure corrective action is taken.<br><b>Team Managers - Immediate</b>                                                                               | The Payments Manager explained that the number of errors contained on information passed to Payroll has not reduced, and these are returned to the Team Manager for amendment                                                                                              | Monitoring system to be put in place to improve performance.<br><b>Revised Completion Date: October 2013</b>               |
|                 |                                                                                                                                                                                                                                                                                                                                                                                   | This will be subject to the Systems Thinking Review commencing 17/08/12.<br><b>HR Services Manager December 2012</b>                                                                                       | The HIA facilitated a process review in August 2012.                                                                                                                                                                                                                       | Implement the outcomes of the process review.<br><b>Revised Completion Date: October 2013</b>                              |
| 5.              | Overall, from consultation throughout our review, we received negative feedback on the new HR service, particularly with HR Direct. For example: <ul style="list-style-type: none"> <li>comments on poor communication;</li> </ul>                                                                                                                                                | Introduction of Civica Help Desk (CRM) <b>Management Information Officer/ Team Managers December 2012</b>                                                                                                  | The Civica Help Desk system will be rolled out from January 2013, starting with HR Direct staff. Some testing of the system still needs to be carried out as well as training.                                                                                             | Introduction of Civica Help Desk (CRM)<br><b>Revised Completion Date: February 2013</b>                                    |
|                 |                                                                                                                                                                                                                                                                                                                                                                                   | Implementation of Standard Operating Procedures.<br><b>HR Services Manager November 2012</b>                                                                                                               | The Standard Operating procedures have been issued to heads of services.                                                                                                                                                                                                   | n/a                                                                                                                        |

| Risk/<br>Issue<br>No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Action Agreed<br>Responsibility & Timescale                                                                                                                                                 | Current Status                                                                                                                                                                                                                                             | Further Action Needed                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <ul style="list-style-type: none"> <li>• a lack of continuity and inconsistent responses; and</li> <li>• important HR documentation, such as job application forms, going missing</li> </ul> <p>Additionally, HR Direct does not have a robust mechanism for ensuring that it logs all queries, refers them to the most appropriate person for answering, and ensuring that HR deals with issues promptly. There is also no prompt for HR Assistants to pursue outstanding essential documentation, such as appointment references.</p> <p>Without addressing these fundamental issues, several risks are emerging of services becoming less efficient; ineffective; inconsistent treatment of employees; poor decision-making, and non-compliance with legislation, which could lead to financial penalties, tribunal costs, and reputation damage for the Council.</p> | Introduction of Customer Service Standards.<br><b>Head of HR November 2012</b>                                                                                                              | Work on preparing the customer service standards and charter has started but has not yet been completed.                                                                                                                                                   | Introduction of Customer Service Standards.<br><b>Revised Completion Date: February 2013</b>                                                                                                                   |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Introduction of HR Competencies for all levels<br><b>Head of HR November 2012</b>                                                                                                           | Work has not started on the HR competencies.                                                                                                                                                                                                               | Introduction of HR Competencies for all levels<br><b>Revised Completion Date: April 2013</b>                                                                                                                   |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Implementation of Web recruitment application, which will negate the need for paper copies.<br><b>Management Information Officer - Completed July 2012</b>                                  | Implementation of the web recruitment application has reduced the number of paper copies of job application forms.                                                                                                                                         | n/a                                                                                                                                                                                                            |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Project management scoping will be carried out to re launch new HR processes and procedures, and we will revise the HR content of the intranet.<br><b>HR Services Manager December 2012</b> | Some progress has been made on the project management scoping exercise, with some potential projects having action plans in place for new HR processes.                                                                                                    | Complete project management scoping exercise and revise HR content on intranet.<br><b>Revised Completion Date: September 2013</b>                                                                              |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | HR team managers' are quality assurance checking a sample of calls to HR Direct.<br><b>HR Direct Team Managers - In place</b>                                                               | Quality assurance checking of calls received by HR Direct is carried out by the Team Manager and weekly by either the HR Services Manager or the HR Organisational & Development Manager. Any continuing errors are discussed with the HR Assistant (HRA). | n/a                                                                                                                                                                                                            |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | We will prepare checklists, and scripts for HRAs to follow for the top ten queries.<br><b>HR Services Manager December 2012</b>                                                             | Some checklists and scripts have been prepared for HRAs to ensure that they cover key stages in the process, and can accurately answer key queries.                                                                                                        | Checklists and scripts need to be developed further. Letters issued by HR will also be reviewed, with the aim to reduce the number of mistakes made by HRAs.<br><b>Revised Completion Date: September 2013</b> |

| Risk/ Issue No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Action Agreed Responsibility & Timescale                                                                                                                                                                                 | Current Status                                                                                                                                                                                 | Further Action Needed                                                                                                                                                                                                                                                                 |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.              | The Council's recruitment and selection procedure is out-of-date and some employees have not received the necessary recruitment training prior to being a member of a recruitment panel. Insufficient guidance, monitoring and a lack of clarity of responsibilities could lead to non-compliance with legislation, and may lead to financial costs from re-appointment or tribunals if applicants consider that they are being unfairly treated                                                                                | Power hours training on Recruitment.<br><b>OD Manager October 2012</b>                                                                                                                                                   | Power hours training on recruitment has been carried out but attendance was low.                                                                                                               | n/a                                                                                                                                                                                                                                                                                   |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | New Recruitment Framework developed and under consultation. This policy stipulates that at least one member of a recruitment panel has to have received recruitment training.<br><b>HR Services Manager January 2013</b> | The new recruitment framework is waiting for SLT approval in February 2013. The HR Services Manager advised us that they are looking to make certain courses mandatory, including recruitment. | Further power hours training will be provided once the revised recruitment policy has been implemented. HR Business Partners could make the heads of services aware of the need for recruitment training during their monthly meetings.<br><b>Revised Completion Date: April 2013</b> |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | This will be subject to the Systems Thinking Review commencing 17/08/12<br><b>HR Services Manager December 2012</b>                                                                                                      | The HIA facilitated a process review in August 2012.                                                                                                                                           | Implement the outcomes of the process review.<br><b>Revised Completion Date: October 2013</b>                                                                                                                                                                                         |
| 7.              | There is a lack of evidence to support the justification and authorisation for filling a post. We identified instances where there was a lack of documentation held on new starters' HR files, including vacancy control forms and interview notes. This may be linked to our concerns over managers' training and awareness of their responsibilities mentioned above and increases the risk of the Council being unable to challenge any accusation of unfair treatment in the recruitment process, incurring tribunal costs. | A new vacancy control form will be introduced and we will ensure that all vacancy control forms are on file.<br><b>HR Team Manager - Immediate</b>                                                                       | A new vacancy control form has been introduced and, from our sample testing of new starters, it is clear that the new form is being used.                                                      | n/a                                                                                                                                                                                                                                                                                   |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Covered in power hours on recruitment.<br><b>OD Manager October 2012</b>                                                                                                                                                 | Managers were advised of the requirement to send completed vacancy control forms to HR during the power hours training.                                                                        | n/a                                                                                                                                                                                                                                                                                   |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Managers to send through interview notes as requested.<br><b>All Managers - Immediate</b>                                                                                                                                | Our sample testing identified that there is still an issue with gathering probationary notes and interview notes from recruitment panels for the successful candidates.                        | Managers to send through interview notes as requested.<br><b>Revised Completion Date: September 2013</b>                                                                                                                                                                              |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | This will be subject to the Systems Thinking Review commencing 17/08/12.<br><b>HR Services Manager December 2012</b>                                                                                                     | The HIA facilitated a process review in August 2012.                                                                                                                                           | Implement the outcomes of the process review.<br><b>Revised Completion Date: October 2013</b>                                                                                                                                                                                         |

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| Risk/<br>Issue<br>No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                                           | Action Agreed<br>Responsibility & Timescale                                                                                                                                                               | Current Status                                                                                                                                                                                                                                                                 | Further Action Needed                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.                    | There is insufficient vetting of new starters to verify the authenticity of qualifications specific to the post applied for and references are not always received prior to the employee starting work with the Council. This increases the risk of inappropriate appointments and the resulting reputational damage and financial impact of terminating the contract or the cost of re-appointment. | Power hours training on Recruitment.<br><b>OD Manager October 2012</b>                                                                                                                                    | The requirement to verify qualifications is discussed in the power hours training on recruitment but attendance has been low.                                                                                                                                                  | n/a                                                                                                                                                                                                                                                    |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                      | New Recruitment Framework developed and under consultation.<br><b>HR Services Manager January 2013</b>                                                                                                    | The new recruitment framework is waiting for SLT approval in February 2013.                                                                                                                                                                                                    | The new recruitment framework should provide clear guidance to managers on their responsibilities for obtaining qualifications, references, and proof of identity.<br><b>Revised Completion Date: April 2013</b>                                       |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                      | Dedicated HRA for references to address backlog<br><b>HR Team Manager - Immediate</b>                                                                                                                     | A HRA was given the responsibility for checking that all employees' files had two references where appropriate. The references backlog has now been addressed.                                                                                                                 | n/a                                                                                                                                                                                                                                                    |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                      | Review of references procedure and input of workflows in Civica. Team managers will carry out quality assurance checking to ensure that the procedure is followed.<br><b>HR Team Manager January 2013</b> | The HR Services Manager explained that further work is needed on reviewing the references procedures and workflow, but was not due for review at the time of our follow up.                                                                                                    | Review of references procedure and input of workflows in Civica. Team managers will carry out quality assurance checking to ensure that the procedure is followed.<br><b>Revised Completion Date: April 2013</b>                                       |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                      | All new starters to sign consent form for us to verify qualifications if needed.<br><b>Completed</b>                                                                                                      | During our sample testing of new starters there was no evidence of applicants consenting to verification of their qualifications. The HR Services Manager confirmed that this consent should have been included in the contract of employment and this has now been rectified. | Posts should be assessed to identify those needing further checks to verify the authenticity of the qualifications with an external body, i.e. the education establishment or professional organisation.<br><b>Revised Completion Date: April 2013</b> |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                      | This will be subject to the Systems Thinking Review commencing 17/08/12.<br><b>HR Services Manager December 2012</b>                                                                                      | The HIA facilitated a process review in August 2012.                                                                                                                                                                                                                           | Implement the outcomes of the process review.<br><b>Revised Completion Date: October 2013</b>                                                                                                                                                          |

| Risk/<br>Issue<br>No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Action Agreed<br>Responsibility & Timescale                                                                                                                                                            | Current Status                                                                                                      | Further Action Needed                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tudalen 63<br>9.      | There is inadequate decision-making, business continuity and succession planning arrangements within the Council. In some cases, this has resulted in the employment of ex-employees temporarily to provide cover. There is a risk that such arrangements are not cost effective, are insufficiently authorised and used inconsistently. This could result in reputational damage for the Council, particularly if the arrangement is not open and transparent. | Engagement of ex-employees included in Pay Policy which goes to Full Council in September:<br><b>Head of HR September 2012 - Complete</b>                                                              | Full Council approved the Pay Policy in September 2012.                                                             | From discussion with the Human Resources Business Partner, there are still cases where ex-employees are re-employed in the same post. HR is not always made aware of the re-employment until after the employee has been re-appointed. HR plan to utilise the Trent system to run reports on employees who have been re-employed.<br><b>Completion Date: April 2013</b> |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Succession Planning part of Workforce Planning principles<br><b>Business Partners October/November 2012</b>                                                                                            | No progress to date and Council services do not have effective succession planning in place for key roles and posts | Services need to identify key roles and posts and ensure that adequate succession planning is in place.<br><br>HR Business Partners should make sure succession planning is in place within services as part of their on-going role and as part of workforce planning.<br><b>Revised Completion Date: October 2013</b>                                                  |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Business Partners involved in review and expected to challenge decisions made.<br><b>Business Partners On going</b>                                                                                    |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                         |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Reviewing key roles within the Council and ensure that there are sufficient business continuity and succession plans in place.<br><b>Heads of Service supported by HR Business Partners March 2013</b> |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                         |



| Risk/<br>Issue<br>No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Action Agreed<br>Responsibility & Timescale                                                                                                                                                             | Current Status                                                                                                                                                                                                                                                                   | Further Action Needed                                                                            |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 10.                   | Business Partners provide support to line managers for grievances and disciplinary cases but, while they maintain their own records, there is no computerised central record to show progress with each case. This would assist with business continuity in the event of another Business Partner becoming involved. There is also no robust mechanism for ensuring that all grievances and disciplinary cases are recorded and dealt with promptly by the most appropriate person. This could lead to grievance cases not being handled effectively, leading to disputes and employment tribunals. | All cases to be logged on current CRM helpdesk.<br><b>Business Partners - Immediate</b>                                                                                                                 | HR is awaiting implementation of the CRM system, so no action has been taken with addressing this issue.<br><br>The HR Services Manager confirmed that the HR Business Partners would be trained on the system and would use it to record the grievances and disciplinary cases. | All cases to be logged on current CRM helpdesk.<br><b>Revised Completion Date: February 2013</b> |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | New system will provide a simpler system to capture information although case logs are held in a shared drive. We need to promote to HR staff its location.<br><b>HR Services Manager November 2012</b> |                                                                                                                                                                                                                                                                                  |                                                                                                  |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | This will be subject to the Systems Thinking Review commencing 17/08/12.<br><b>HR Services Manager December 2012</b>                                                                                    | The HIA facilitated a process review in August 2012.                                                                                                                                                                                                                             | Implement the outcomes of the process review<br><b>Revised Completion Date: October 2013</b>     |



| Risk/<br>Issue<br>No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Action Agreed<br>Responsibility & Timescale                                                                                      | Current Status                                                                                                                                                                          | Further Action Needed                                                                                    |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 11.                   | <p>There is a risk of non-compliance with legislation and inconsistent treatment of employees leading to financial loss from tribunal costs and reputational damage as:</p> <ul style="list-style-type: none"> <li>• there is a lack of documentation held on redeployees' files and no robust system to record the actions taken to prevent redundancy payments and ensure that each redeployee has had equal opportunity to be considered for vacant posts; and</li> <li>• the redeployment files are kept in a lockable cabinet, but this is not locked, increasing the risk of unauthorised access to personal details and data protection breach.</li> </ul> | <p>Cabinets to be locked.<br/><b>HR Specialist - Immediate</b></p>                                                               | <p>Cabinets containing the redeployee files are now locked at the end of each day. Redeployee information is now recorded on a database that all the HR Specialists have access to.</p> | <p>n/a</p>                                                                                               |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>This will be subject to the Systems Thinking Review commencing 17/08/12.<br/><b>HR Services Manager<br/>December 2012</b></p> | <p>The HIA facilitated a process review in August 2012.</p>                                                                                                                             | <p>Implement the outcomes of the process review<br/><b>Revised Completion Date:<br/>October 2013</b></p> |

## Report Recipients

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- Head of Strategic Human Resources – Linda Atkin
- HR Services Manager – Catrin Roberts
- Human Resources Business Partner – Joanne Moore
- HR & Organisational Development Manager – George Humphreys
- Corporate Director: Economic & Community Ambition – Rebecca Maxwell (Final report)
- Corporate Director: Modernisation & Wellbeing – Sally Ellis (Final report)
- Head of Finance & Assets – Paul McGrady (Final Report)
- Lead Member for Modernising & Performance – Cllr Barbara Smith (Final report)
- Chair – Performance Scrutiny Committee – Cllr Colin Hughes (Final Report)
- Performance Scrutiny Member – Cllr Huw Hilditch-Roberts (Final Report)
- Corporate Governance Committee (Final Report)

## Key Dates

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|                                            |                                                |
|--------------------------------------------|------------------------------------------------|
| Review commenced                           | December 2012                                  |
| Review completed                           | January 2013                                   |
| Reported to Corporate Governance Committee | 27 February 2013                               |
| Proposed date for next follow up review    | To be agreed by Corporate Governance Committee |

|                            |                                                                   |
|----------------------------|-------------------------------------------------------------------|
| <b>Adroddiad i:</b>        | <b>Pwyllgor Llywodraethu Corfforaethol</b>                        |
| <b>Dyddiad y Cyfarfod:</b> | <b>27 Chwefror 2013</b>                                           |
| <b>Awdur yr Adroddiad:</b> | <b>Pennaeth Gwasanaethau Archwilio Mewnol</b>                     |
| <b>Teitl:</b>              | <b>Cynllun Gweithredu y Fframwaith Llywodraethu Corfforaethol</b> |

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**1. Beth yw testun yr adroddiad?**

Mae'r adroddiad hwn yn darparu i'r Pwyllgor y cynllun gwaith diweddaraf a gwybodaeth o'r cynnydd a wnaed o ganlyniad i adolygiad fframwaith llywodraethu'r Cyngor a'r Datganiad Llywodraethu Blynyddol 2011/12.

**2. Beth yw'r rheswm dros wneud yr adroddiad hwn?**

Mae'r Pwyllgor Llywodraethu Corfforaethol yn monitro Cynllun Gweithredu y Fframwaith Llywodraethu Corfforaethol yn rheolaidd fel rhan o drefniadau llywodraethu cyffredinol y Cyngor.

**3. Beth yw'r Argymhellion?**

Bod y Pwyllgor yn ystyried ac yn cynnig sylwadau ar y cynnydd a wnaed o ran rheoli'r gweithredoedd yng Nghynllun Gweithredu y Fframwaith Llywodraethu Corfforaethol.

**4. Cefndir**

- 4.1. Mae Fframwaith Llywodraethu Corfforaethol y Cyngor yn cynnwys asesiad blynyddol o drefniadau llywodraethu'r Cyngor a Datganiad Llywodraethu Blynyddol sy'n tynnu sylw at unrhyw wendidau llywodraethu o bwys. Mae'r Fframwaith hefyd yn tynnu sylw at feysydd eraill sydd angen gwelliant er nad oes ganddynt unrhyw wendidau o bwys.
- 4.2. Mae'r Grŵp Llywodraethu wedi datblygu cynllun gweithredu (Atodiad 1) yn codi o'r adolygiad diweddaraf o drefniadau llywodraethu. Mae'r cynllun gweithredu yn hyblyg ac mae'n bosibl y bydd yn rhaid ychwanegu ato wrth i faterion godi yn ystod y flwyddyn gan ein bod yn monitro trefniadau llywodraethu drwy'r flwyddyn yn hytrach na chynnal proses unigol ar ddiwedd y flwyddyn.

Mae tudalen hwn yn fwriadol wag

## Appendix 1 - Corporate Governance Framework Action Plan

| Action Required                                                                                                             | Rationale/Purpose                                                                                                                                                                                              | Responsibility                                     | Timescale    | Progress as at 13 February 2013                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                             |                                                                                                                                                                                                                |                                                    |              | <b>Green – complete</b><br><b>Amber – in progress</b><br><b>Red - Outstanding</b>                                                                                                                                                                                                                                                                                    |
| Finalise & publish the Corporate Plan 2012-17                                                                               | <ul style="list-style-type: none"> <li>Exercise strategic leadership by developing and clearly communicating our Corporate Plan and its intended improvement outcomes</li> </ul>                               | Head of Business Planning & Performance            | N/A          | <b>Council approved 9 October 2012 and published on the same day</b>                                                                                                                                                                                                                                                                                                 |
| Finalise & implement new target setting approach to encourage consistency and provide clearer definitions of our RAG system | <ul style="list-style-type: none"> <li>Ensure that arrangements are in place at service level to manage performance that is of corporate importance to the Council as set out in the Corporate Plan</li> </ul> | Head of Business Planning & Performance            | N/A          | <b>Reported to SLT 5 July 2012</b>                                                                                                                                                                                                                                                                                                                                   |
| Develop a more strategic approach to the efficiency programme                                                               | <ul style="list-style-type: none"> <li>Develop tools to deliver a high performance culture delivering value for money</li> </ul>                                                                               | Head of Finance & Assets                           | Summer 2013  | <b>Draft service challenge process agreed at CET. Draft proposals for future efficiency programme presented to SLT and Modernisation Board.</b>                                                                                                                                                                                                                      |
| Continue to update & develop the Constitution in line with the Local Government (Wales) Measure 2011                        | <ul style="list-style-type: none"> <li>Having clear responsibilities and arrangements for accountability</li> </ul>                                                                                            | Head of Legal & Democratic Services                | N/A          | <b>Compulsory elements of Measure incorporated into Constitution. Draft guidance for consultation regarding Joint Overview and Scrutiny Committees and Annual Reports by Members been to Democratic Services Committee for comment in December 2012. Further amendments to Constitution may be required following publication of final guidance and regulations.</b> |
| Clarify the role that the Council will play in helping to deliver the Compact                                               | <ul style="list-style-type: none"> <li>Ensure that relationships between the Council and its partners are clear, so that each knows what to expect of the other</li> </ul>                                     | Head of Business Planning & Performance<br><br>SLT | To be agreed | <b>Partnership Governance Toolkit on Intranet &amp; sent to all Heads of Service.</b><br><br><b>There has also been an agreement at SLT last year about which HoS is responsible for taking forward each element of the compact</b>                                                                                                                                  |

| Action Required                                                                                  | Rationale/Purpose                                                                                                                                                                                                                                                                                                                                                         | Responsibility                           | Timescale                                | Progress as at 13 February 2013                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Finalise & issue Partnership Governance Framework                                                | <ul style="list-style-type: none"> <li>Ensure that relationships between the Council and its partners are clear, so that each knows what to expect of the other.</li> <li>Ensure that an effective risk management system is in place</li> <li>Ensure that scrutinising arrangements are in place to scrutinise the effectiveness of partnership relationships</li> </ul> | Head of Business Planning & Performance  | N/A                                      | <b>Partnership Governance Toolkit on Intranet &amp; sent to all Heads of Service.</b>                                                                                                                                                                                                    |
| Implement recommendations arising from WAO's review of collaboration arrangements                | <ul style="list-style-type: none"> <li>Ensure that relationships between the Council and its partners are clear, so that each knows what to expect of the other</li> </ul>                                                                                                                                                                                                | To be agreed                             | To be agreed                             | Awaiting report                                                                                                                                                                                                                                                                          |
| Develop & implement a robust process for deciding on and approving Part II reports to committees | <ul style="list-style-type: none"> <li>Be rigorous and transparent about how decisions are taken</li> </ul>                                                                                                                                                                                                                                                               | Head of Legal & Democratic Services      | N/A                                      | <b>SLT has been consulted on the principle and final checklist forms will be issued in January 2013.</b>                                                                                                                                                                                 |
| Internal Audit reviews of specific governance areas                                              | <ul style="list-style-type: none"> <li>Ensure that arrangements are in place for the strategic overview of the Councils governance arrangements</li> </ul>                                                                                                                                                                                                                | Head of Internal Audit Services          | 31/03/13                                 | <ul style="list-style-type: none"> <li><b>Review of Performance Management complete.</b></li> <li><b>Review of Risk Management programmed for early 2013</b></li> <li><b>Setting up new Assurance Framework to identify clearly where the Council gets its assurance from</b></li> </ul> |
| Implements actions arising from the above Internal Audit reviews                                 | <ul style="list-style-type: none"> <li>Ensure service improvement</li> </ul>                                                                                                                                                                                                                                                                                              | As per Internal Audit report action plan | As per Internal Audit report action plan | <b>Actions relating to Performance Management review have been implemented</b>                                                                                                                                                                                                           |
| Implement recommendations arising from WAO's review of Scrutiny arrangements                     | <ul style="list-style-type: none"> <li>Be rigorous and transparent about how decisions are taken. Listen and act on the outcome of constructive scrutiny</li> </ul>                                                                                                                                                                                                       | To be agreed                             | To be agreed                             | Awaiting report                                                                                                                                                                                                                                                                          |

| Action Required                                                                                                                                                            | Rationale/Purpose                                                                                                                                                                           | Responsibility                                               | Timescale | Progress as at 13 February 2013                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Review & relaunch Whistleblowing Policy & Anti-Fraud & Corruption Policy                                                                                                   | <ul style="list-style-type: none"> <li>Evidence of openness &amp; transparency</li> </ul>                                                                                                   | Head of Legal & Democratic Services                          | 31/03/13  | <b>Work not yet started. Planned to commence in January 2013.</b>                                                                                                                                                                                                                               |
| Embed risk management through the ownership and management of risk as part of the decision-making processes, both at officer & elected member level throughout the Council | <ul style="list-style-type: none"> <li>Ensure that an effective risk management system is in place</li> </ul>                                                                               | Corporate improvement Manager                                | N/A       | <b>The new risk management system is in place and operational. Service and Corporate Risk Registers are reviewed at least twice annually. IA review in 2013 will also assess level to which risk management is embedded.</b>                                                                    |
| Revise & update Financial Regulations                                                                                                                                      | <ul style="list-style-type: none"> <li>Embed compliance with laws &amp; regulations placed on the Council at service level</li> </ul>                                                       | Chief Accountant                                             | 31/03/13  | <b>Work in progress. Draft document to be developed by 31 March 2013.</b>                                                                                                                                                                                                                       |
| Revise & Update Contract Procedure Rule                                                                                                                                    | <ul style="list-style-type: none"> <li>Embed compliance with laws &amp; regulations placed on the Council at service level</li> </ul>                                                       | Strategic Procurement Manager                                | 31/03/13  | <b>Work in progress</b>                                                                                                                                                                                                                                                                         |
| Improve quality & completion rates of employee appraisals                                                                                                                  | <ul style="list-style-type: none"> <li>Make sure that elected members and officers have the skills, knowledge, experience and resources they need to perform well in their roles</li> </ul> | Head of Strategic HR / Head of Customers & Education Support | 31/03/13  | <p><b>Report to SLT September 2012. Appraisal rates had reduced in 2011/12 compared to 2010/11. Appraisal rates for 2012/13 have increased and as at end of January stood at 73%.</b></p> <p><b>Appraisal completion rates are also discussed as part of the Service Challenge process.</b></p> |
| Develop & implement proposals for improving the flexibility of the workforce to enable us to utilise members of staff in the areas of greatest need                        | <ul style="list-style-type: none"> <li>Make sure that elected members and officers have the skills, knowledge, experience and resources they need to perform well in their roles</li> </ul> | Head of Strategic HR                                         | 31/03/17  | <p><b>Part of Modernising Programme.</b></p> <p><b>Programme delivery group &amp; programme managers appointed.</b></p> <p><b>Project brief will go to the Modernisation Board on 1 March 2013.</b></p>                                                                                         |

| Action Required                                                      | Rationale/Purpose                                                                                                                                                                                                                                                                                                                                                                                                           | Responsibility                            | Timescale | Progress as at 13 February 2013                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Develop & implement an elected member training needs assessment      | <ul style="list-style-type: none"> <li>• Make sure that elected members have the skills, knowledge, experience and resources they need to perform well in their roles</li> <li>• Develop the capability of people with governance responsibilities and evaluate their performance as individuals and as a group</li> </ul>                                                                                                  | Lead Member for Modernising & Performance | On-going  | <p><b>Training Plan for 2012/13 formulated for the new Council in May 2012, following a detailed process involving key members &amp; officers. The Plan includes training sessions up until the end of March 2013. A detailed Questionnaire was sent to members at the end of the summer, which captured information which will be used to help formulate the training plan for year 2 of the new Council.</b></p> <p><b>Workshop arranged on Members training in April 2013.</b></p> |
| Develop & implement an elected member performance management process | <ul style="list-style-type: none"> <li>• Make sure that elected members and officers have the skills, knowledge, experience and resources they need to perform well in their roles</li> <li>• Develop the capability of people with governance responsibilities and evaluate their performance as individuals and as a group</li> </ul>                                                                                     | Lead Member for Modernising & Performance | On-going  | <p><b>Paper going to informal Council in February 2013, which will fully explore and discuss all member training matters, and which will assist members to fully engage in the performance management process.</b></p>                                                                                                                                                                                                                                                                |
| Finalise & implement the Community Engagement Strategy               | <ul style="list-style-type: none"> <li>• Become an outward looking Council, proactively seeking contributions from other public sector agencies, the private / voluntary and community groups to assist the county and the Council</li> <li>• Establish a consultation framework for the way that the Council engages and consults with stakeholders and the public and ensures clear channels of communication.</li> </ul> | Head of Business Planning & Performance   | 31/01/13  | <p><b>The Community Engagement Strategy is in final draft form and planned for launch in January 2013</b></p>                                                                                                                                                                                                                                                                                                                                                                         |



| Action Required                                                                                                                                                       | Rationale/Purpose                                                                                                                                                                                                                                          | Responsibility                          | Timescale                                                 | Progress as at 13 February 2013                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Develop & implement an action plan to address outstanding issues relating to information governance                                                                   | <ul style="list-style-type: none"> <li>Ensure that the right information is available in the right format, which encourages knowledge to be created, shared, learned, enhanced &amp; organised for the benefit of the Council and the community</li> </ul> | Head of Business Planning & Performance | Various                                                   | <b>Action to develop enhanced information management capacity agreed. New team in place April 2013. Action plan in place for 2012/13</b>                                                                                                                |
| Internal Audit review in 2012-13 of Data Protection Act and Freedom of Information to provide a more detailed review of these two key areas of information management | <ul style="list-style-type: none"> <li>Ensure that policies are in place to govern the management and secure handling, storage, disposal and sharing of information assets</li> </ul>                                                                      | Head of Internal Audit Services         | 30/09/12                                                  | <ul style="list-style-type: none"> <li><b>Draft report issued 24/08/12</b></li> <li><b>Escalation meeting with Directors &amp; Lead Members 07/11/12</b></li> <li><b>Final report issued 09/11/12</b></li> <li><b>Follow up due May 2013</b></li> </ul> |
| Develop a more consistent approach to the use of information to support strategic planning and decision-making.                                                       | <ul style="list-style-type: none"> <li>Ensure that the right information is available in the right format, which encourages knowledge to be created, shared, learned, enhanced &amp; organised for the benefit of the Council and the community</li> </ul> | Head of Business Planning & Performance | 31 July 2012 (for completion of initial scoping exercise) | <b>Scoping report complete and output agreed. New Management Information function will be operational by Jan 2013</b>                                                                                                                                   |

| Action Required                                                                          | Rationale/Purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Responsibility   | Timescale    | Progress as at 13 February 2013 |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------|---------------------------------|
| Implement recommendations arising from WAO review of Annual Governance Statement 2011/12 | <ul style="list-style-type: none"> <li>• 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 way. It comprises the Council's systems, processes, cultures and values, through which we account to, engage with and, where appropriate, lead our communities. It enables us to monitor whether those objectives have led to the delivery of appropriate, cost-effective services</li> </ul> | Governance Group | To be agreed | Await report                    |

|                                   |                                                             |
|-----------------------------------|-------------------------------------------------------------|
| <b>Adroddiad ar gyfer:</b>        | <b>Y Pwyllgor Llywodraethu Corfforaethol</b>                |
| <b>Dyddiad y Cyfarfod:</b>        | <b>Chwefror 27<sup>ain</sup> 2013</b>                       |
| <b>Aelod Arweiniol / Swyddog:</b> | <b>Alan Smith, Pennaeth Cynllunio Busnes a Pherfformiad</b> |
| <b>Awdur yr Adroddiad:</b>        | <b>Lisa Jones, Dirprwy Swyddog Monitro</b>                  |
| <b>Teitl:</b>                     | <b>Polisiâu Deddfwriaeth Gwybodaeth</b>                     |

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## 1. Beth mae'r adroddiad yn ymwneud ag o?

Darparu'r Pwyllgor Llywodraethu Corfforaethol ag adolygiad drafft o'r Polisiâu Rhyddid Gwybodaeth a Diogelu Data.

## 2. Beth yw'r rheswm am wneud yr adroddiad yma?

Roedd y Cyngor yn destun adroddiad Swyddfa Archwilio Cymru ynglŷn â'i lywodraeth o'i Reolaeth Gwybodaeth ac, yn fwy diweddar, yn 2012 ynglŷn â Diogelu Data, Rhyddid Gwybodaeth a chyrchiad i Wybodaeth Amgylcheddol, gan dîm Archwilio Mewnol y Cyngor. Un o'r argymhellion i ddeillio o'r ddau adroddiad oedd y gall y Cyngor wella ei bolisiâu yn y maes yma.

## 3. Beth yw'r Argymhellion?

Bod y Pwyllgor Llywodraethu Corfforaethol:-

- (1) Yn nodi cynnwys y ddau bolisi.
- (2) Yn darparu Swyddogion â barn y Pwyllgor ar gynnwys y Polisiâu a'u ffitrwydd ar gyfer y pwrpas.

## 4. Manylion yr adroddiad

Nod y polisiâu diwygiedig ydi darparu datganiad polisi clir, lle bydd hynny'n bosib, o ran Rhyddid Gwybodaeth a Diogelu Data, a gydnabyddir ar y lefel uchaf gan yr 'Addewid Gwybodaeth Bersonol'. Mae'r polisiâu, fodd bynnag, yn mynd ymhellach na pholisi pur, ac yn darparu canllaw gweithdrefnol i swyddogion, aelodau a'r cyhoedd ar y ffordd y bydd y Cyngor yn delio â cheisiadau am wybodaeth a'r ffordd y caiff data personol ei brosesu. Roedd swyddogion a oedd yn ymglymedig a drafftio'r polisiâu wedi ystyried cael un polisi cyffredinol, ond, i ryw raddau, mae'r ddwy gyfundrefn yn mynd i gyfeiriadau gwahanol. Mae un yn fesur i ddiogelu preifatrwydd personol; mae'r llall wedi ei dylunio i sicrhau cyrchiad agored i wybodaeth. Maen nhw'n gorgyffwrdd mewn rhannau, er enghraifft, datgelu peth gwybodaeth bersonol am ffigurau cyhoeddus fel aelodau etholedig neu uwch weithredwyr.

Mae'r cydgysylltu hwn rhwng y ddau faes cyfraith yma'n edefyn sy'n llifo drwy'r ddau bolisi, ond mae eu cymhwysiad yn haws ei ddeall mewn polisiau ar wahân.

Mae oblygiadau mynd yn groes i'r maes cyfraith yma'n arwyddocaol: nid yn unig o ran hyder y cyhoedd yn y Cyngor yma a'r ffordd y mae'n prosesu gwybodaeth bersonol, ond hefyd y dirwyon trwm (uchafswm o £500,000 mewn achosion difrifol) y mae'r Comisiynydd Gwybodaeth â'r grym i'w rhoi'n awr.

Trefn baralel i'r Rhyddid Gwybodaeth ydi Rheoliadau Gwybodaeth Amgylcheddol 2004 ac ni fydd yr adolygiad o'r polisi hwnnw'n dod i ben hyd yn ddiweddarach yn y flwyddyn yn rhannol oherwydd ymgyfreithiad sydd ar y gweill ynghylch cyrchriad i wybodaeth ar bridiau tir a chamau grŵp gan gwmnïau chwilio personol yn erbyn mwyafrif yr awdurdodau lleol yn Lloegr a Chymru.

Yn rhan o'r strategaeth i wella ein rheolaeth gwybodaeth a symud tuag at fwy o reolaeth cofnodion yn electronig a llif data symlach, bydd aelodau'n nodi o ddarllen y polisiau, rôl y Tîm Rheoli Gwybodaeth Gorfforaethol.

Mae'r polisiau diwygiedig sy'n atodol i'r adroddiad yma hefyd yn ystyried bodolaeth a gwerth y Panel Eithriadau i Gyrchiad i Wybodaeth a ffurfiolwyd yn ddiweddar. Mae'r Panel yn awr â'r awdurdod dirprwyedig i benderfynu a ydi Eithriad rhag datgeliad yn briodol, yn hytrach na gadael penderfyniadau felly i swyddogion unigol yn y Cyngor. Fe wneir y penderfyniadau hyn gyda chefnogaeth o leiaf un swyddog sy'n gyfreithiol gymwysedig. Y man cychwyn bob amser fydd llywodraeth agored, oni bai fod yna reswm da iawn i beidio â datgelu gwybodaeth y gofynnwyd amdani. Mae hyn yn adlewyrchu'r dull gweithredu cyfreithiol yn y ddeddfwriaeth ac mae'n darparu cysondeb a chyfranoldd o ran gwneud penderfyniadau. Fe gafodd y Panel gymeradwyaeth y cyngor llawn yn Ebrill 2012 yn rhan o adolygiad y Cyfansoddiad.

Mae llywodraeth agored yn llywodraeth dda ac mae'r diwylliant traddodiadol o gyfrinachedd diangen yn dechrau erydu ar lefel llywodraeth leol a chanolog. Mae'n hanfodol felly ein bod â phrosesau cadarn sy'n hwyluso hyn, wrth barchu hawliau preifatrwydd personol.

## **5. Sut mae'r penderfyniad yn cyfrannu tuag at y Blaenoriaethau Corfforaethol?**

Bydd arferion a llywodraethu gwell yn cyfrannu tuag at y flaenoriaeth o ddod yn Gyngor sy'n perfformio'n dda.

Mae gwendidau yn null gweithredu'r Cyngor o ran Rheoli Gwybodaeth yn risg ar hyn o bryd ar y Gofrestr Risgiau Corfforaethol.

## **6. Beth fydd hyn yn ei gostio a sut fydd o'n effeithio ar wasanaethau eraill?**

Nid oes yna unrhyw oblygiadau ar wasanaethau eraill o ganlyniad i'r adroddiad hwn.

Bydd y gwasanaethau hynny sy'n prosesu data personol sensitif yn elwa o gymorth arbenigol pellach, arbenigedd a hyfforddiant er mwyn sicrhau eu bod yn cydymffurfio â'u hobllygiadau i'n cwsmeriaid.

**7. Pa ymgynghoriadau a gafwyd?**

Fe ymgynghorwyd â'r canlynol:

Y Swyddogion Rheoli Gwybodaeth o fewn pob gwasanaeth/maes.

Y tîm Rheoli Gwybodaeth Corfforaethol

CET

Archwilio Mewnol

Yn dilyn y Pwyllgor Llywodraethu Corfforaethol, y bwriad ydi y bydd y ddau bolisi drafft yn cael eu rhoi ar fewnwyd y Cyngor ar gyfer ymgynghori pellach, cyn i'r Cyngor Llawn ystyried y datganiadau polisi i'w mabwysiadu.

**8. Datganiad y Prif Swyddog Cyllid**

Dim angen.

**9. Pa risgiau sydd yna ac a oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**

Mae yna fwy o risg o beidio â gwella ein harferion yn y maes yma.

**10. Grym i wneud y Penderfyniad**

Deddf Llywodraeth Leol 1972.

Deddf Rhyddid Gwybodaeth 2000

Deddf Diogelu Data 1998

Mae tudalen hwn yn fwriadol wag

## **Freedom of Information Policy and Procedures**

The Freedom of Information Act 2000 ('the FOIA') provides individuals and organisations with the right to request information held by public authorities. The FOI Act gives two related qualified rights – the right to be told whether the information is held and the right to receive the information, subject to exemptions. The right of access applies regardless of the purpose of the application. It is referred to as 'applicant blind' and treats everyone consistently. Requests must be made in writing and the information must be provided to them within 20 working days, unless an exemption applies.

Denbighshire County Council is fully committed to the aims of the Freedom of Information Act and related legislation, and will make every effort to meet its obligations.

### **Purpose / objectives**

This policy outlines Denbighshire County Council's approach to responding to requests for information made under the FOIA. A separate policy exists for Data Protection Act (DPA) requests and requests for environmental information under the Environmental Information Regulations (EIR). Where a request is received under the FOIA and it in fact falls within the EIR or DPA regime, then the Council will automatically channel the request through the appropriate policy, as it is required to do, as different exemptions or exceptions apply in such circumstances and different legal rights apply.

### **Policy objectives**

- To provide a framework that fully endorses and adheres to the principles of Freedom of Information.
- To ensure consistency of approach in applying FOI principles, making FOI decisions and enforcing FOI exemptions.
- To ensure that the council meets the standards set out in the Lord Chancellor's Code of Practice under section 45 of FOIA, which provides guidance on the practice to be followed in handling requests for information.

- To act as a user's guide.
- The Council recognizes that although it is not legally binding, failure to comply with the Code of Practice may lead to failure to comply with the FOIA.
- To ensure consistency in publishing information via the Council's publication scheme and the Council's responses to FOI enquiries.
- To work towards the longer term vision of harnessing technology and publishing all information unless there is a lawful reason not to do so.

## **Aims**

This policy aims to ensure access to information held by the Council in order to promote greater openness, provide increased transparency of decision making and to build public trust and confidence. Access to information about decisions we take can help local people to influence local service provision. These aims will be balanced against the need to ensure the confidentiality of certain information, where disclosure would not be in the public interest. Many exemptions are subject to a 'public interest test' which can be a complex legal test to apply and requires a weighing up of the many factors in favour of disclosure, against those factors in favour of withholding. It is not simply a 'public curiosity' interest, it is often much more than this.

## **Key commitment to access to information**

Denbighshire County Council is committed to openness about the way in which it operates and makes decisions and will favour disclosure of information where possible. Where the application of the public interest test is required, if the public interest weighs greater in disclosure than in withholding, then the information should be released, and vice versa, it is a balancing exercise. This policy sets out the general principles that will be adopted by the Council in response to requests for information under the FOI Act.

## **Scope**

This policy applies to all recorded information held by Denbighshire County Council. Recorded can be on email, paper copy, video or photographic, closed session reports (ie part 2 papers), files or any form of 'recorded' information; held at the time the request is received. It is a criminal offence to destroy recorded information when the purpose of that destruction was to avoid disclosure following a request. The information is not the Officers or Members, it is the Council's. This policy applies to all employees and councillors, where the information held belongs to the Council.

The policy covers all requests for information except requests from individuals for their own personal data and normal 'business as usual' requests. A 'business as usual'



request is a request for information or services that a service area would expect to receive in its normal day to day operation. Any request that indicates it is a FOIA request cannot be treated as 'business as usual'. For example a request by a member of the public to view a public register will on the face of it be treated as 'business as usual' or a request for tourist information at a tourist centre will be business as usual, not a FOIA request.

We will make information available proactively through our website and publication scheme. The publication scheme includes a guide to information, which shows the types of information that we make available.

We will provide access to environmental information through the Environmental Information Regulations 2004 ('EIR'). Requests under the EIR will be dealt with in accordance with Denbighshire County Council's Environmental Information Regulations Policy. The law in this area emanates from a EU Directive, which states that Councils must over time, increasingly disseminate environmental information. The only method of realistically achieving this aim is to harness the use of technology to ensure public information is readily available which should reduce, in time the amount of requests a public authority deals with.

## **Validity**

To be valid under the FOI Act, requests:

- Must be in writing;
- Must clearly describe the information being sought;
- Can be made by an individual or an organisation;
- Can be made by letter, fax or email;
- Must be legible and
- Must contain the name of the applicant and a return address.

To be valid under the FOI Act requests do not:

- Have to be written in a special form;
- Need to mention the FOI Act; or
- Need to refer to "Freedom of Information".

## **Advice and assistance**

The Council has a duty to provide advice and assistance to applicants under Section 16 of the FOIA so far as it would be reasonable to expect the Authority to do so. The Council is committed to compliance with its public sector equality duties and in this

regard anyone who requires help or assistance eg by reason of disability or language barriers will be assisted by the FOI team to make their request under FOIA. The Council will offer advice and assistance to any person or organisation that wishes to make a request for information. The Council is committed to dealing with requests within the statutory guidelines, no more than 20 working days and more speedily if possible.

Any queries regarding this policy or access to information within the Council should be directed to:

Corporate Information Unit

46 Clwyd Street

Ruthin

Denbighshire

LL15 1HP

Email: [information@denbighshire.gov.uk](mailto:information@denbighshire.gov.uk)

Tel: 01824 707023

## **Roles and responsibilities**

### **Heads of Service**

- Responsible for ensuring operational compliance with this policy within their own service and their own Scheme of Delegation.
- Appoint Information Management Officers to be responsible for FOI requests.
- Ensure that officers with responsibilities for FOI requests are supported in their work in terms of commitment and resources.
- Ensure all staff comply with the agreed policy and procedures for FOI.
- Recognise FOI issues in service planning and resource allocation.

### **Corporate Information Unit**

- Provide advice and guidance on the FOI/EIR policy and procedures.
- Provide training in FOI/EIR issues.
- Log all the details of the request for information.
- Ensure that the electronic request for information system is kept fully up to date
- Coordinate requests for information in conjunction with coordinators (Information Management Officers)

- Consider whether the request for information is vexatious, repeated (i.e. the requester has asked for the same or similar information within the last 120 days) or likely to be expensive.
- Consider draft responses prepared and ensure that the information is being provided (subject to any exemptions under the FOI Act).
- Follow the procedure for handling sensitive FOI requests including any referral to the Access to Information Panel.
- In the event of an internal review, gather information about the handling of the original request and set up a review panel (the Access to Information Panel) to consider the complaint.
- Develop and maintain the corporate FOI policy and procedures.
- Publish an FOI Frequently Asked Questions Page on the Council's Website.
- Monitor and review the effectiveness of the policy and procedures.
- Identify and communicate any FOI issues to the Access to Information Panel.
- Maintain the Council's Publication Scheme.
- Report on compliance annually to the Council's Corporate Governance Committee in conjunction with the Senior Information Risk Officer and the Data Protection Officer.

## **Information Management Officers.**

- Ensure that requests for information are handled effectively in their Service, by coordinating requests.
- Ensure that he/she is the correct officer to progress the request; if not refer the request to the Corporate Information Unit as quickly as possible.
- Provide copies of the original request (if received through the Service) and the response to the Corporate Information Unit.
- Promote the policy and procedures within their service, reporting any difficulties to the Access to Information Panel.
- Ensure that the electronic request for information system is kept fully up to date.
- Consider whether the request for information is vexatious, repeated (i.e. the requester has asked for the same or similar information within the last 120 days) or likely to be expensive (over 18 hours of collation and retrieval). If the FOI coordinator considers the request to be any of these, they must immediately notify the Corporate Information Unit. A request which will require 18 hours or more collation and retrieval may need to be refused and the Corporate Information Unit will consider and progress this issue if necessary through the Access to Information Panel.

Information Management Officers will receive additional training and will be

responsible for providing guidance to staff throughout their Service on access to information in line with this Policy.

## The Head of Legal and Democratic Services

- Provide legal advice (when requested) on the legality of proposed responses.
- Be responsible for decision making in relation to any refusal of requests for information in line with the Access to Information Panel and its Terms of Reference. (The Panel's Terms of Reference are attached as Appendix A)
- Provide legal advice on the wording of refusal notices.
- In the event of an internal review, as a member of the Access to Information Panel, investigate the merits of the complaint and assist in providing an appropriate response to the complainant.
- The Head of Legal and Democratic Services is authorized to act as the "qualified person" under Section 36 of the FOI Act but will consult with the Access to Information Panel on the decision.

## All council employees

- Be aware of the FOI Act and what it means;
- To identify any request that falls under the FOI Act;
- Follow this policy and its procedures for handling FOI requests,
- Deal with all requests promptly and within 20 working days of receipt.
- Ensure that all requests are logged with their Information Management Officer or the Corporate Information Unit.
- Provide advice and assistance to persons making requests for information.
- Staff that deal with mainly environmental information (such as those employed in waste or planning units) should be aware that a request for environmental information can be made verbally, not in writing as in FOIA.
- **Be aware that once a request for information has been made, the information achieves a special status. It will then become a criminal offence to alter, deface, block, erase, destroy or conceal the information with the intention of preventing disclosure. The Council or the individual is liable to a fine not exceeding £5,000**

## FOI Act and Environmental Information Regulations (EIR)

The Council recognizes that there are many similarities between the two regimes and that requests for "environmental Information" must be answered in accordance with the EIR rather than the FOI Act.

It is possible that in some cases both regimes will be relevant. The Council will, when responding to such requests for information, endeavor to clearly identify which parts of the information fall under which regime.

## **Publication scheme**

The Council has adopted a Publication Scheme and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme contains documents, policies, plans and guidance used by the Council. The material contained within the Scheme is available on the Internet. Where charges are applied these will be stated in the Scheme.

## **Charging**

The Council is entitled to refuse to answer a request on the grounds of cost if it would amount to more than £450 to do so. This is equivalent to about two and half days of work (or 18 hours at the rate of £25 per hour of each officer's search time as prescribed in the Regulations).

When calculating whether answering a request would exceed this threshold, the Council will take account of the costs involved in the following activities:-

- Determining whether it holds the information,
- Locating and retrieving the information, or a document which may contain the information;
- Extracting the information from document(s) containing it (including editing).

In applying fees and charges the Council can take account of neither the costs of considering whether information is exempt under the Act nor possible expenses incurred in the issuing of Fee Notices.

If a request is estimated to cost less than the prescribed £450 limit, and there is no other basis on which it may be refused or otherwise dealt with, the Council will answer the request. The maximum fee that can be charged in these cases is limited to the specified costs of postage, printing and photocopying, referred to as 'disbursement costs', i.e. the costs of informing the applicant whether the Council holds the information, reproducing any document containing the information; and communicating the information to the applicant.

The Council, at its own discretion, will determine to waive all costs under £10 in respect of a single request made under the Freedom of Information Act 2000; however, above this sum full disbursement costs will be charged. This decision may be reviewed periodically.

If the Council chooses to answer a request that will cost more than the £450 threshold, the applicant will be contacted and advised what information will be available below that limit, i.e. it will be discussed with the applicant whether he/she would prefer to modify the request to reduce the cost in terms of officer's time.

If an applicant still wishes to proceed with the original request the maximum fee that may be charged is equivalent to the total estimated costs of:-

- Determining whether the Council holds the information, locating and retrieving the information, and extracting the information from a document containing it (prescribed cost of officers' time); and
- Informing the applicant whether the Council holds the data and communicating the information to the person making the request (disbursement costs).

If the applicant does not agree with the proposed fee, they can appeal through the Council's complaints procedure in the first instance.

Consecutive or Campaign Requests:-

1. These are where two or more requests for information are made to the Council by one person or by different persons who appear to be acting in concert or in pursuance of a campaign.
2. The rule is that the estimated cost of complying with these requests is deemed to be the total cost of complying with them all, i.e. where the cumulative cost becomes £450 or over, the Council could refuse to answer the particular request or charge for officers' time involved in servicing all of the requests. However, for this rule to apply the requests would need to relate to the same or similar information and be received within any period of 60 consecutive working days.

## **Transferring requests for information to another public authority**

If the Council receives a request for information that it does not hold, but knows is held by another public authority, it will provide as much assistance as possible to the applicant in transferring their request to the authority, which holds the information. This may be by simply directing them to the appropriate public authority.

If the Council holds any of the information that has been requested it will treat that part of the request as an FOI Act request and process it accordingly. At the earliest opportunity the Council will inform the applicant of the information it does not hold and provide reasonable assistance to enable them to locate it elsewhere.

If the applicant indicates to the Council that they do not object to the transfer of the request to the other public authority, the Council may transfer the request to the other authority direct. However the Council will notify the applicant if this is to be done.

All transfer of requests and contact with those who have requested information that is held by another public authority will be undertaken as soon as possible so that there is no undue delay. The time period for compliance with the request in respect of the part of information not held by Denbighshire County Council does not start until the public authority that does hold it receives that request.

## **Consultation with third parties**

The Council recognises that disclosure of information may affect the legal rights of a third party and this policy is written in accordance with the terms of the Data Protection Act 1998 and the Human Rights Act 1998. The Council further recognises that unless an exemption is provided for in the FOI Act there will be a requirement to disclose that information in response to a request.

If the consent of a third party is required prior to disclosure of information, the Council will, at the earliest opportunity, seek to consult with that third party with a view to seeking their consent to disclosure, unless such a consultation is not practical. The consultation may assist the Council in determining whether an exemption under the FOI Act applies to the information requested, or the views of the third party may assist the Council in determining where the public interest lies under section 2 of the FOI Act. A third party's refusal to consent to disclosure of information does not necessarily mean that information will not be disclosed. If the cost of consultation with the third party is disproportionate, consultation may not be undertaken. The Council will not undertake consultation if it does

not intend to disclose the information because of another exemption, or where the views of the third party would have no effect on the decision of the Council because no exemption applies.

## **Information provided in confidence**

Information provided in confidence by a third party is exempt information under section 41 of FOI Act if the disclosure of that information to the public would be an actionable breach of confidence by the person providing the information or any other person. The Council will only accept information from third parties on a confidential basis if that information would not otherwise be provided to the Council to assist the delivery of the Council's functions. The Council will not agree to hold information in confidence if it is not actually confidential in nature. If a person or organisation seeks to provide information in confidence they will be told if it cannot be treated confidentially.

## **Contracts**

The Council will not include contractual terms, such as confidentiality clauses, which purport to restrict the disclosure of information held by the Council in relation to the contract beyond the exemptions in the FOI Act. Unless an exemption under the Act applies in relation to any particular part of the contract, the Council will be obliged to disclose that information in response to a request regardless of the terms of any contract. Trade secrets might be classed as exempt information, so may information, which would prejudice the commercial interests of any person, including the Council. This exemption is subject to the public interest test i.e. whether the public interest in maintaining the exemption outweighs the public interest in disclosing it.

The Council will seek during the tendering process to discuss and agree with the contractor a schedule of information, which the contractor wishes not to be disclosed. However even if such a schedule is included, the restrictions on disclosure may subsequently be overridden by obligations under the FOI Act. Further, the public interest in releasing information may after passage of time, be in favour of disclosure.

If a nonpublic organisation contracts with the Council to provide a service that is a function of the Council then that organisation will be deemed to be part of the Council for the purposes of the FOI Act and, in relation to that service, will be subject to the terms of



the FOI Act. The Council will take into consideration the OGC/GPS Policy and Guidance on disclosure of procurement and post tender award information.

## **Refusal of request**

The Council recognises that there will always be some information which it must not disclose or which it is not in the public interest to disclose. In these cases the Council will ensure that applicants are given clear and accurate reasons for the refusal of their requests and assistance in finding relevant, alternative information. Applicants have the right to have the decision reviewed. Applicants will be informed of this right and may seek such a review if dissatisfied with the Council's response.

If the Council relies on an exemption to refuse a request for information the applicant will be notified of the appropriate exemption and why it applies. Appendix B sets out the main exemptions likely to apply to information held by the Council. If the reasoning behind the exemption, or the exemption itself, would result in the disclosure of information which would itself be exempt, then the Council may not provide that reason.

If the Council decides that the public interest in maintaining the exemption outweighs the public interests in disclosure, then this will be stated in the refusal letter together with the public interest factors, which have been considered, and which form a material part of the decision.

If a document contains exempt information, the Council will not refuse access to the whole document unless it is absolutely necessary to do so in order to ensure that exempt information is not disclosed. Where part of a document is exempt, normally only that part of the document containing the exempt information will be withheld.

The Council maintains a central record for monitoring purposes of all FOI Act requests and will proactively audit decisions to ensure that where information requests are refused, refusals are justified and reasonable.

## **Vexatious/repeated requests**

### **Repeat requests**

This is where a repeated request is received that is identical or substantially similar to a previous request from the same person, The Council will consider this as a repeated request. The Council is not obliged to comply with repeat requests for information, under the FOI Act unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. In reaching a decision about whether an application for access should be categorised, as a repeat request the Council will have regard to:

- The time that has elapsed since the previous request;
- Whether the request is identical or substantially similar to the previous request;
- Whether any relevant, new information has been generated since the previous request.
- A 'reasonable interval' will be deemed to be 120 working days.

Where a request is refused because it is considered repeated, the Council will issue a written notice within 20 working days of the request. The Council will send out a standard letter stating that the request has been declined on the grounds that it is repeated. The applicant will receive information about the Council's Internal Review Process. Details of the rights of appeal to the Information Commissioner will also be enclosed.

Where a notice has previously been issued to the applicant that the request is repeated, the Council will not issue a further notice.

## **Vexatious requests**

The Council is not obliged to comply with vexatious requests under the FOI Act.

The Council will apply the term 'vexatious' fairly and consistently. In determining whether a request should be refused because it is vexatious the Council will consider all the circumstances of the request, including:

- The context and history of requests submitted by an applicant;
- Repeat requests submitted by an applicant (see, 'Repeat Requests');
- Whether the request is likely to cause unjustified distress, disruption or irritation.
- Whether the request could fairly be seen as obsessive?
- Whether complying with the request imposes a significant burden?
- Whether an applicant is habitually and persistently submitting requests where there appears to be no reasonable grounds for them to do so
- Whether there is a strong likelihood that such requests are being made to intentionally cause harassment, cause distress to staff, divert resources or to disrupt the proper workings of the Council.

The Council is aware that the term 'vexatious' should be applied to the activities of the applicant and not to their nature or attitude. The Council will assess whether a request is vexatious based on the type of information requested and not on the identity of the applicant.

Where a request is refused on the grounds that it is deemed to be vexatious, a written notice from the Council will be issued within 20 working days of receipt of the request.

The Council will send out a standard letter stating that the request has been declined on the grounds that it is vexatious. The applicant will be notified of the internal procedures for dealing with a complaint. Details of the rights of appeal to the Information Commissioner will also be enclosed.

Where a notice has previously been issued to inform the applicant that the request has been classified as vexatious, the Council will neither acknowledge nor answer subsequent requests that are made on the same or similar subject.

Where a request is received and there is a chance it is merely vague rather than vexatious due to a lack of knowledge on the part of the applicant, the Council will clarify with the applicant what is actually required. This may be done by telephone or by providing a written request for clarification.

Where a request is suspected of being vexatious, the Access to Information Panel will meet to form a decision on whether the threshold for this exemption has been met, before any further action is taken.

## **Complaints**

The Council has an internal Access to Information Panel for dealing with complaints made in relation to the handling of requests for information under the FOI Act, including any review of the initial decision to refuse disclosure. Any person who is unhappy with the way in which the Council has handled their request for information may use this procedure. The Information Commissioner is unlikely to investigate any complaint about the Council's handling of an information request unless the complaints procedure has been exhausted.

A complaint may be made about the Council's failure to release information in accordance with its Publication Scheme, about requests that have not been properly handled, or where there is dissatisfaction with the outcome of a request. If, following a complaint, the decision is made to release information; the information will be made available at the earliest opportunity following notification of intended disclosure.

Complaints about the way in which information requests are handled should be directed to the Corporate Information Unit at:

Access to Information Feedback  
Corporate Information Unit, Denbighshire County Council  
46 Clwyd Street , Ruthin, Denbighshire. LL15 1HP

Email: [information@denbighshire.gov.uk](mailto:information@denbighshire.gov.uk)

If the decision to refuse disclosure is upheld or the internal Review procedure is exhausted and the applicant is still dissatisfied, they will be made aware of their right to apply for a review to the Information Commissioner at:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel No: 01625 545700

## **Monitoring and review**

Compliance with this policy and related procedures will be monitored by the FOI Team, working with the Information Management Officers from each service and by the Access to Information Panel. Reports on the panel and the Councils activities under FOIA are reported annually to the Council's Corporate Governance Committee.

Any deliberate breach of the FOI Act will be seen as misconduct and may result in disciplinary action

This policy will be reviewed no later than November 2015.

## ACCESS TO INFORMATION PANEL

### Terms of Reference

Denbighshire County Council is committed to compliance with all information legislation, the Human Rights Act and the common law duty of confidentiality. The Council approved the formulation of a corporate Access to Information Panel in April 2012 and the panel members obligations and powers are set out in the officer Scheme of Delegation contained within the Council's Constitution and adopted by Full Council.

Panel members:

- Head of Legal and Democratic Services (Chair)
- Business Transformation Manager
- Head of Communication, Marketing and Leisure
- Deputy Monitoring Officer
- Head of Business Planning and Performance
- Additional members: to be confirmed.

The FOI Officer/Records Manager shall also be in attendance.

#### Role and purpose

The purpose of the Access to Information Panel is to reach decisions on the disclosure or withholding of information following the receipt of a request for information under the Information Legislation, including disclosures under the Data Protection Act. The purpose of the Panel is not to provide an additional layer of bureaucracy, but to ensure consistency of approach in all areas of disclosure across the Council, with the emphasis on open government and transparency, in order to increase public confidence in the Council's decision making but also its obligations to protect personal information. It will also provide Services with the option of a reference to the Panel where they consider an exemption is applicable, against the views of the FOI team.

The Panel will make decisions on the following:

- Contentious or highly sensitive exemptions.
- Requests for a review of an initial decision by a requestor.
- References from a Service who specifically wish the matter to be decided by the Panel.
- Considering and approving any action relating to communications from the Information Commissioner's Office.
- Approve any written response to the Information Commissioner's Office.

The Panel will not make decisions on the following:

- Straightforward third party redactions of personal information.
- Exemptions which in the view of the Head of Legal and Democratic Services and the FOI team are clearly applicable to the request and will not require the commitment and attendance of the panel.

### Terms of membership

It is a condition of the panel membership that all panel members attend training on the Information Legislation in order to understand and apply the exemptions properly.

A panel member cannot delegate its responsibility to another Officer who is not a panel member.

Where a conflict of interest affects a panel member's decision making, they must advise the panel of this interest and not take part in the decision. They may take their 'hat' off as panel member and make representations from their Service, but they cannot vote on the issue.

Panel members shall keep confidential the personal details of the requestor and any confidential information they are privy to, in their capacity as panel members.

### Quorum

The Panel shall only be quorate when at least one legally qualified officer is present and at least one other panel member.

Wherever possible the Panel shall endeavour to reach a unanimous decision. Where this is not achieved, each member shall have one vote. Any matter will be decided by a simple majority of those members voting and present. In the event of an equilibrium the Chair shall have the casting vote.

### Process and Procedures

A referral to the Access to Information Panel shall be through the Corporate Information Unit, who will then make arrangements for the Panel to meet, taking into consideration the statutory time limits in which the Service needs to deal with the request.

Legal Services shall prepare the report for the panel outlining the issues, but the Panel shall be entitled to ask questions and consider factors outside of the report if they consider this relevant. Where recommended, Legal Services shall draft the response to the applicant. If due to shortness of time a written report is not available, legal advice may be given verbally at the Panel, and noted in the minutes.

The department wishing to rely on the exemption shall be invited to attend the panel, but their attendance is not mandatory.

The Access to Information Panel members shall use their best endeavors to attend any urgent meetings where this is necessary and unavoidable; however reasonable notice must be given to Panel members. If appropriate, urgent decisions may be made electronically, providing the request is not complex or necessitates the personal attendance of the department wishing to rely on the exemption.

s.36 Decisions

The Head of Legal and Democratic Services is the sole panel member for s.36 decisions, who shall consult and itemize the issue before the panel, and take the panels' views into consideration, prior to a final decision under this section.

The Panel shall receive any reports or decisions from the Information Commissioners' Office and the recommendations, and be kept informed of progress of such appeals.

Version 2 January 2013

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## **Appendix B Exemptions from Disclosure**

### **Exemptions where the public interest test applies (Qualified Exemptions)**

- Information intended for future publication
- National Security
- Defence
- International relations
- Relations within the UK
- The Economy
- Investigations and proceedings conducted by public authority
- Law Enforcement
- Audit functions
- Formulation of government policy
- Prejudice to effective conduct of public affairs
- Communications with Her Majesty
- Health and Safety
- Environmental Information (accessed via the Environmental Information Regulations)
- Legal Professional Privilege
- Commercial Interests.

### **Exemptions where the public interest test does not apply (Absolute Exemptions)**

- Information accessible to the applicant by other means
- Court records
- Parliamentary privilege
- Prejudice to effective conduct of public affairs
- Personal information
- Information provided in confidence
- Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court.
- Information supplied by or relating to bodies dealing with security matters.



**DATA PROTECTION  
POLICY AND PROCEDURES**

DRAFT

**Version 3 – February 2013**

### **Forward by the Chief Executive**

In delivering its services Denbighshire County Council will need to collect and process certain types of information about people including customers, service users, staff of the Council, school pupils and suppliers or providers of services to it. All such processing is subject to the Data Protection Act and this policy sets out the Council's intentions in fulfilling its obligations.

Transformational and shared services agendas have introduced ever increasing requirements for the sharing of personal data in order to improve effectiveness and efficiency. Clearly those in public services need to keep this information secure, but it goes much wider than appropriate security and requires a comprehensive approach to the collection, use, sharing and retention of personal information, in order to build public confidence. Combined with the reliance on fast changing ICT capabilities and storage of vast amounts of data, it is essential that Denbighshire County Council has this overarching document in plain language, which makes clear to the public the Council's approach to data protection and data sharing; and explains the rights of the individual in relation to the information we hold about them. Publishing a clear and explicit policy and having the right approach to raising awareness and skills of staff as they handle personal information, will be regarded as an integral element in promoting public trust in the way this Council handles the personal data entrusted to it.

We have all been made aware of high profile data breaches, and many officers who handle sensitive personal data will be aware of the Information Commissioner's powers to fine authorities up to £500,000 for severe breaches. Many of the reported breaches are however simply down to human error, such as inputting the incorrect fax number, emailing the wrong recipient or not checking personal data before it is posted, leaving sensitive documents in the car or not checking a person's identity over the phone. These errors can all be avoided by officers and members taking extra care in going about their duties and treating others' personal information, as they would their own.

The Council signed up to the Wales Accord on the Sharing of Personal Information (WASPI) in 2011 which applies to data sharing across multiple agencies. A number of underlying WASPI protocols have since been developed with our partners. In addition, in respect of any data processing generally, I am pleased to sign off the 'Personal Information Promise' set out overleaf, which will be registered with the Information Commissioner – it is a form of mission statement for the handling of personal information aimed at those whose personal information we hold. If a compliance problem occurs we will reflect on whether we are living up to this promise, and I urge all staff to read this promise as it puts the Data Protection Act obligations into straightforward language that we can all understand and put into practice.

## PERSONAL INFORMATION PROMISE

*I, Mohammed Mehmet, Chief Executive,  
on behalf of Denbighshire County Council  
promise that we will:*

1. Value the personal information entrusted to us and make sure we respect that trust;
2. Go further than just the letter of the law when it comes to handling personal information, and adopt good practice standards;
3. Consider and address the privacy risks first when we are planning to use or hold personal information in new ways, such as when introducing new systems;
4. Be open with individuals about how we use their information and who we give it to;
5. Make it easy for individuals to access and correct their personal information;
6. Keep personal information to the minimum necessary and delete it when we no longer need it;
7. Have effective safeguards in place to make sure personal information is kept securely and does not fall into the wrong hands;
8. Provide training to staff who handle personal information and treat it as a disciplinary matter if they misuse or don't look after personal information properly;
9. Put appropriate financial and human resources into looking after personal information to make sure we can live up to our promises; and
10. Regularly check that we are living up to our promises and report on how we are doing.

*Signed:*

*Dated:*

## **Introduction**

Denbighshire County Council shall at all times comply with its duties under the Data Protection Act 1998 and the rights of privacy and respect for personal and family life set out in Article 8 of the Human Rights Act 1998.

The Data Protection Act (the Act) places legal obligations on organisations who collect and use personal information and gives individuals certain rights of access. In addition, there are stricter requirements in the Act in respect of processing 'sensitive' personal data. Personal information can be held in any format eg electronic, paper records, CCTV or photographic images and the Act applies irrespective of how the information is held.

## **Responsibility for the Act**

The Council is committed to ensuring all staff comply with the Act. The Council has an appointed Data Protection Officer [insert title] who is responsible for ensuring compliance with the Act, assisted by the Information Unit and the Councils Access to Information Panel. The Councils Monitoring Officer is the appointed Senior Information Risk Officer. (SIRO) There is also a nominated Information Management Officer within each department. The Council's Officer Scheme of Delegation sets out clearly that all Heads of Service are responsible for compliance with the Act and the decisions of the Access to Information Panel regarding the release or withholding of information.

There is a separate policy in respect of the Freedom of Information Act and the Environmental Information Regulations. Where a request is received under the FOIA or the EIRs but in fact it falls within the Data Protection regime, the Council will automatically channel it through the appropriate policy, as it is required to do, as different exemptions and therefore, different legal rights apply in the circumstances.

## **Scope**

This policy applies to all personal information held in any recorded format such as email, paper, video, CCTV or photographic images and applies to all officers and members who process personal data on behalf of the council. It is a criminal offence to destroy personal information when the purpose of the destruction was to avoid disclosure following a request.

## **Adhering to the 8 principles of the Act**

The Data Protection regime is underpinned by certain fundamental principles, which form a code for the proper processing of personal data. Processing means anything we do with data; such as obtaining, copying, disclosing, altering, retaining or destroying information. If we cannot comply with all these 8 principles, we should not be processing the data. The principles are reproduced as set out in the legislation at Appendix 1, but are summarised in the following diagram: -



## 8 data protection principles

1. Personal information must be fairly and lawfully processed

2. Personal information must be processed for limited purposes

3. Personal information must be adequate, relevant and not excessive

4. Personal information must be accurate and up to date

5. Personal information must not be kept for longer than is necessary

7. Personal information must be secure

8. Personal information must not be transferred to other countries without adequate protection

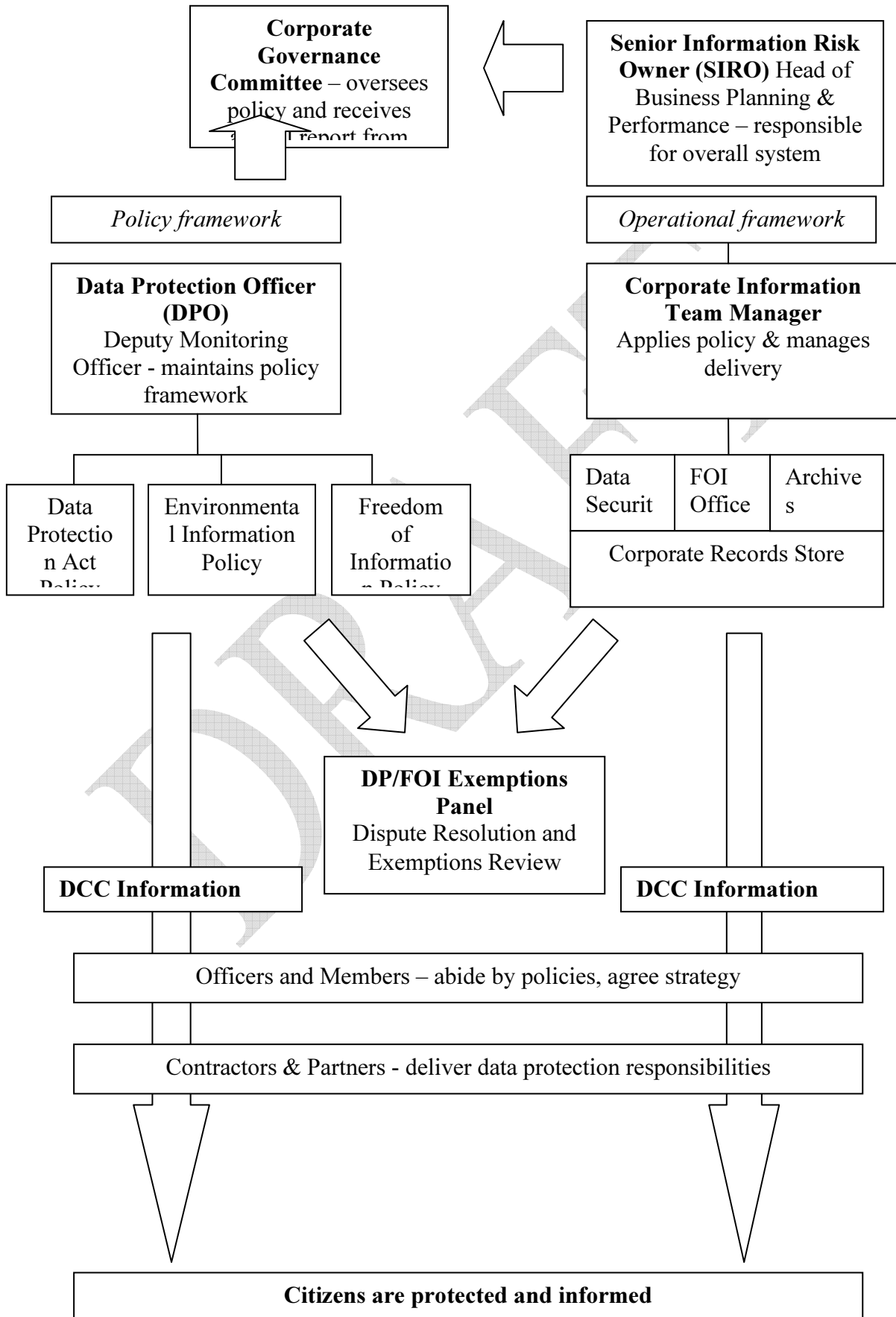
6. Personal information must be processed in line with the data subjects' rights

**ico.**  
Information Commissioner's Office

The Council will ensure that: -

- It has in place procedures for complying with the eight principles.
- All new staff receive appropriate data protection training on induction and that refresher training and guidance is provided periodically, so that they understand that they are contractually responsible for complying with the law and know how to process information in accordance with these 8 principles.
- Advanced level training is provided to those Officers who deal with highly sensitive personal information, such as social services. Training needs mapping will be conducted by the Information Unit, in conjunction with Service and Performance Managers to identify those officers who require regular advanced training on data protection and information sharing, to enable them to share with confidence and in accordance with WASPI where appropriate.
- Everyone managing and handling personal information are individually and collectively responsible for compliance with this policy.
- A failure to follow this policy by an officer may result in disciplinary action or even criminal prosecution in the case of a wilful and deliberate breach.
- That individuals are informed of the purposes for which their data will be used and that consent is sought for such use, where required under the Act.
- All appropriate, technical and organisational security measures to safeguard personal information will be put in place including encrypting or ensuring increased security settings of removable devices such as laptops or mobile phones and restricting the use of USB sticks in line with the Council's Information Security Policy.
- All staff are required to report data security incidents, including 'near misses' to their line manager who shall inform the SIRO.

# Information Management in Denbighshire



## **Individual's Rights**

Denbighshire County Council will ensure that individuals can exercise their rights as set out in the Act including :-

- the right to be informed that processing is being undertaken,
- the right of subject access to their personal information;
- the right to prevent processing of personal information in certain circumstances
- the right to rectify, block, erase or destroy inaccurate information.

These rights apply to all living, identifiable individuals on whom the Council processes personal information such as our customers, staff, residents or Councillors.

### Subject Access Requests

Section 7 of the Act provides the right for individuals to be told by the Data Controller (the organisation who determines the purposes for which and the manner in which personal information is processed)

- if we hold information about them,
- to ask what we use it for,
- to be given a copy of the information,
- to be given details of other organisations or people we disclose it to,
- to ask for incorrect data to be corrected,
- to ask us not to use personal information about them for direct marketing,
- to be compensated for damage or distress if we do not comply with the Act,
- to object to decisions made only by automatic means – for example where there is no human involvement and
- to ask the Information Commissioner's Office to investigate and assess whether we have breached the Act.

Denbighshire County Council will supply this information providing the request is in writing; sufficient information is given by the applicant to enable the Council to locate the information requested and a maximum



statutory fee of £10 is paid by the person making the enquiry in advance. All such requests must be logged with the corporate Information Unit. This fee may be waived in respect of social services customers accessing their social services records or employees of the Council who are accessing their personnel file.

Denbighshire County Council will respond to such requests within 40 calendar days of receipt, unless to do so would involve 'disproportionate effort' under Section 8 of the Act. There is no definition within the Act, but it is generally taken to mean that the effort the organisation would have to expend in complying with the requirement to provide a copy is disproportionate to the benefit to be derived by the individual in receiving it. As the right of access to ones own information is fundamental to data protection law, the circumstances where disproportionate effort can be relied upon, will be rare. Advice should be sought from the Information Unit in the first instance and a decision referred to the Access to Information Panel.

The Council will provide the information in a permanent format that is understandable to the applicant, unless the supply of such a copy would involve disproportionate effort, or the applicant agrees otherwise. Where this is the case, the Council will arrange for the applicant to inspect the records in person.

#### Social Services Records

Social Services have their own procedures for dealing with client access to personal files, in accordance with guidance issued by the National Assembly of Wales and if necessary can offer support, guidance or even counselling to service users where this is required whilst they inspect their records. If the client makes the request under Section 7 of the Act, this still needs to be logged with the Information Unit who will record the details of the request itself.

In accessing their file, social services clients may not be given access to parts of their file which also identify other people without that third party's agreement, even if they are related. Information provided to social services by another person (except a professional such as a social worker or doctor etc) if this was communicated in confidence, information which may be seriously harmful to the individual or others, or information held to detect crime or to prosecute offenders where its disclosure will affect these purposes; may be lawfully refused. Legal advice should be sought if there is any doubt regarding the disclosure and a reference to the Access to Information Panel may need to be made.

## Information Sharing

Information sharing is a complex area spanning many statutes and often the detail is hidden in secondary legislation (such as orders or statutory instruments). Decisions on whether to share information must be taken on a case-by-case basis and there could not be a blanket policy statement for officers or members to follow as this is likely to be unlawful. In addition, understanding what can legally constitute 'consent', is also fundamental.

However, the following statements should clarify previous common myths or misunderstandings regarding information sharing:

**The Data Protection Act does not prevent, neither should it be seen as a barrier, to lawful information sharing.**

**The Council is not legally required to have an Information Sharing Protocol in place, in order to share. The lack of an ISP should not be a reason for not sharing information that could help a practitioner deliver services to a person.**

**The Council has signed up to the Wales Accord on the Sharing of Personal Information (WASPI), however not every information sharing arrangement will need to be WASPI approved.**

**Consent is not a prerequisite to information sharing – but several legal regimes (including the Data Protection Act) confirm that the obtaining of valid consent will permit information to be shared lawfully.**

**Confidentiality you may owe to an individual, can, and in some circumstances, must be overridden, such as concerns that a vulnerable adult or child may be at risk of serious or significant harm. Follow the relevant procedures without delay.**

Over the page are seven golden rules for information sharing reproduced from the HM Government publication 'Information Sharing; Guidance for practitioners and managers' and available on the Department for Education website. These rules compliment the WASPI principles that the council has signed up to.

# Seven golden rules for information sharing

- 1. Remember that the Data Protection Act is not a barrier to sharing information** but provides a framework to ensure that personal information about living persons is shared appropriately
- 2. Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- 3. Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
- 4. Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
- 5. Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- 6. Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- 7. Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

## Requests from third parties (eg the Police) for an individual's personal information

Occasionally the Council will receive requests under the Act under s.29 or s.35 from other agencies or third parties such as the police, DWP or another Council, under these sections, to physically access or receive a copy of the information relating to an individual. These sections do not provide the Council with an automatic reason to disclose, as is explained below.

s.29 deals with several situations in which personal data is processed for the following 'crime and taxation' purposes:

- the prevention or detection of crime;
- the capture or prosecution of offenders; and
- the assessment or collection of tax or duty.

The personal data could be disclosed if the disclosure is for any of the above crime or taxation purposes and the above purposes are 'likely to be prejudiced' if the council did not disclose eg to the police or the inland revenue. The threshold for disclosure in these circumstances needs to be more than a mere risk of prejudice and needs to be a significant and weighty chance of prejudice to the above purposes. s.29 is a *discretionary* power, and does not of itself give the Council a reason to disclose in itself as the Council still needs a Schedule 2 (and Schedule 3 reason in respect of sensitive personal data) to disclose.

s.35 also provides a *discretionary* power to disclose only where the disclosure is necessary 'for or in connection with legal proceedings (including prospective proceedings); for obtaining legal advice or for establishing, exercising or defending legal rights. The mere fact this exemption may apply does not, of itself, provide the Council with justification to hand over personal data. The Council will still need a Schedule 2 reason in order to do so (and a Schedule 3 reason in the case of sensitive personal data). Even then, there may be a legitimate reason not to disclose if the information is private and confidential or because of the relationship the Council has with the individual.

The Council's usual standard approach in respect of applications under s.29 and s.35 will be to refuse disclosure unless the applicant obtains a court order; however if the department or service consider that disclosure is in fact necessary or may very well prejudice the crime or taxation purposes, then advice should be obtained prior to disclosure from Legal Services and guidance on whether the decision on disclosure should be referred to the Council's Access to Information Panel.

## Emergency planning

The guidance given on pages 10 and 11 on information sharing are equally applicable in the context of emergency planning and dealing with the provision of vital services in response to an emergency. The Data Protection Act 1998 does not prevent information being shared, and complements the Civil Contingencies Act 2004 – officers who require more detailed guidance may wish to consult the HM Government publication ‘Data Protection and Sharing’ – Guidance for Emergency Planners and Responders and take advice, if needed, from legal colleagues.

“The Data Protection Act 1998 is an important piece of legislation giving confidence to individuals that their personal data will be treated appropriately and that it will not be misused. It’s job is to balance individuals’ rights to privacy with legitimate and proportionate use of personal information by organisations. In the context of emergency planning – and, in particular, in the aftermath of an emergency – it is important to look at this balance critically and realistically. The public interest is highly likely to mandate the sharing of information to help both immediately affected individuals and the wider community in such circumstances. Indeed, our view is that emergency responders’ starting point should be to consider the risks and the potential harm that may arise if they do not share information. We must all work within the law, but in the circumstances set out in this guidance, we feel that uncertainty should not be used as an excuse for inaction when it is clearly in the interest of individuals and the public at large to act positively”

Forward by Baroness Ashton in HM Government’s non statutory guidance ‘Data Protection and Sharing’ – Guidance for Emergency Planners and Responders.

Denbighshire County Council will adhere to this policy and have in mind the following broad brush, straightforward questions whilst planning and responding to an emergency. The following questions must be considered by officers in good faith and if so, they should have comfort that they have not breached the Act:

- Is it unfair to the individual to disclose their information?
- What expectations would they have in the emergency at hand?



- Is the Council acting for their benefit and is it in the public interest to share this information?

Following these broad principles in an emergency will mean the Council is very unlikely to have acted unlawfully.

### **Outsourcing personal data processing**

The Council frequently uses third party organisations to perform some of its functions. Where such 'outsourcing' arrangements involve the processing of personal data, certain legal obligations arise.

It is important that the obligations imposed on the supplier (known as the data processor) should be set out in a written contract or letter. If the Council's Standard Corporate Terms and Conditions have been used – these are available from the Procurement Unit – then the obligations are already set out.

In the event that the standard terms of business have not been, or are not used, the service should be asking the supplier to sign a letter, a template is attached as Appendix 3.

In any event, where sensitive personal information is being disclosed to such third party organisations, services should ensure that the council's standard terms of business are signed up to by the contractor, in order to ensure the supplier is contractually bound by the same obligations as ourselves.

### **Introduction of new systems that affect personal information – what should the Council consider?**

In developing information systems or new business processes or changes to our existing processes, that involve personal information, Officers are strongly advised to consider the benefits of a Privacy Impact Assessment and to build in privacy-friendly solutions as part of modernising or introducing new systems. This is referred to by Information professionals as 'Privacy by Design' and can be a useful tool to help identify risks and help the Council step up to the mark in how it handles personal information confidently.

Denbighshire County Council's Corporate Project Methodology now requires the Council to consider whether a Privacy Impact Assessment should be conducted in the early stages of a project and support is

available for this via the Corporate Information Unit in conjunction with Legal Services if required. Even where the formal project methodology is not followed designing in privacy protections and data protection compliance will need to be addressed.

## **Data Protection or Privacy Notices**

Consent from the individual who is the subject of the data, is one condition that can legitimise the processing of personal data. In respect of 'sensitive' personal data, this consent needs to be express and not implied. The Council may find the use in many circumstances where reliance on consent is used to provide the individual with a 'Data Protection Notice' (or sometimes referred to as a Privacy Notice or Statement'). This can be communicated verbally and verbal consent can be relied upon, although a signed form or some form of positive action such as accepting terms electronically by ticking a consent box, will be the most practical and reliable method. Customer Services for example at the first point of contact by telephone will give enquirers a verbal standard notice. Examples of Data Protection Notices, which will assist in complying with the First Data Protection Principle of fairness and the Second Principle of purpose, is set out below which can be adapted by a service to suit their specific needs. The basic legal requirement is that an individual is given at the point of collection, or as soon as possible after, a description of the Council's use of individual personal information. Further guidance is available if required from the Corporate Information Unit.

### Eg Online Library :

I UNDERSTAND that the information I have provided will be processed by Denbighshire County Council for the purpose of its online library catalogue and the monitoring and management of this service. I understand that the personal information I provide will be stored and processed in accordance with the Data Protection Act 1998 and that no third party recipients will be provided with my personal data without my consent, unless required by law.

I understand that I have the right to request a copy of the personal data held about me and to correct any inaccuracies.

### Eg School Transport collection of data

I UNDERSTAND that the information I have provided will be processed by Denbighshire County Council for the purpose of school transport provision, the monitoring and management of this service, including behavioural management and any anti social behaviour prevention programmes, fraud prevention and detection and any purpose related to this service provision. I understand that CCTV may be in use on some routes and that my child's footage and information will be stored and processed in accordance with the Data Protection Act 1998.

I CONSENT to the sharing of this information with other departments or Government Bodies and other organisations delivering a service that relates to the provision of school transport and its management and that they may contact me directly. I understand that I have the right to request a copy of the personal data held about me and my child and to correct any inaccuracies

### Eg Verbal notice given by an Enforcement Officer wearing HeadCams:

*"In order to comply with our data protection obligations I need to make you aware that this conversation and footage is being recorded by the body camera I am wearing. The information recorded, will be controlled and processed by Denbighshire County Council for the purpose of it's public protection and health and safety obligations to officers. The information that you provide will be retained only until any fixed penalty issued is discharged. You have the right to request a copy of the personal information held and to correct any inaccuracies. "*

If a Service is developing a website and is collecting personal information then a privacy policy will be required. See the Councils Privacy Policy in respect of Meifod Wood Products at Appendix 4 as an example. Services will be encouraged to draft a policy along similar lines in advance of submitting the policy to the Corporate Information Unit for checking compliance.



## **Data Security Breaches**

All data security breaches, including 'near misses', must be reported to the Line Manager responsible who shall immediately inform the Council's Senior Information Risk Officer who shall advise on the necessary steps that need to be taken to contain any resultant damage and inform individuals who may be affected. A central record of all breaches will be retained by this senior officer.

## **Oversight arrangements and review of policy**

This policy will be reviewed no later than February 2016. Compliance with this policy and related procedures will be monitored by the Corporate Information Unit working with the Information Management Officers from each service and the Access to Information Panel. Reports on the Corporate Information Unit and the Councils activities under all the Information Legislation are reported annually to the Council's Corporate Governance Committee whereby the Senior Information Risk Officer and the Data Protection Officer shall be in attendance.

## **Complaints**

A review of the Council's decision to *withhold* personal information where an applicant has made a subject access request, can be made to the Information Unit who will facilitate a review by the Access to Information Panel. If the decision is upheld, and the applicant remains unsatisfied they may appeal to the Information Commissioner's Office.

Any complaints by individuals about the way in which the Council has *handled* personal information (eg if it has lost personal information) will be dealt with through the 'Your Voice' Corporate Complaints or Social Services Complaints Policy depending on the nature of the information. Complaints forms are available from the Council's Offices. If the complainant remains dissatisfied, a complaint can be made directly to the Information Commissioner. Appeals against the decision of the Information Commissioner can be made to the Information Tribunal.

## Contact details

Corporate Information Unit  
Denbighshire County Council  
46 Clwyd Street  
Ruthin  
Denbighshire  
LL15 1HP  
Email: [information@denbighshire.gov.uk](mailto:information@denbighshire.gov.uk)  
Tel no: 01824 707023

Your Voice,  
Denbighshire County Council  
County Hall  
Wynnstay Road  
Ruthin  
Denbighshire  
LL15 1YN  
Tel: 01824 706075  
SMS 07800140088  
Email: [your.voice@denbighshire.gov.uk](mailto:your.voice@denbighshire.gov.uk)  
Online: [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk) and follow the links to the online form  
'Suggestions, compliments and complaints'

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel 01625 524510  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Wales Accord on the Sharing of Personal Information  
WASPI Support Team  
Preswylfa  
Hendy Road  
Mold  
CH7 1PZ  
Tel: 01352 803398

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## Appendix 1 – The 8 Data Protection Principles

- 1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –**
  - (a) at least one of the conditions in Schedule 2 (of the Data Protection Act) is met, and**
  - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 (of the Data Protection Act) is also met.**
- 2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**
- 3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**
- 4. Personal data shall be accurate and, where necessary, kept up to date.**
- 5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.**
- 6. Personal data shall be processed in accordance with the rights of data subjects under this Act.**
- 7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**
- 8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

## Schedule 2

### **At least one of the following conditions must be met when processing personal data.**

1. The data subject has given his/her consent to the processing.
2. The processing is necessary—
  - (a) for the performance of a contract to which the data subject is a party, or
  - (b) for the taking of steps at the request of the data subject with a view to entering into a contract.
3. The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
4. The processing is necessary in order to protect the vital interests of the data subject.
5. The processing is necessary—
  - (a) for the administration of justice,
  - (b) for the exercise of any functions conferred on any person by or under any enactment,
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or
  - (d) for the exercise of any other functions of a public nature exercised in the public interest by any person.
6. (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.  
(2) The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

### **Schedule 3**

**At least one of the following conditions must be met when processing sensitive personal data in addition to meeting at least one condition from schedule 2.**

1. The data subject has given his/her explicit consent to the processing of the personal data.
2. (1) The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.  
  
(2) The Secretary of State may by order—
  - (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.
3. The processing is necessary—
  - (a) in order to protect the vital interests of the data subject or another person, in a case where—
    - (i) consent cannot be given by or on behalf of the data subject, or
    - (ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or
  - (b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.
4. The processing—
  - (a) is carried out in the course of its legitimate activities by any body or association which—
    - (i) is not established or conducted for profit, and
    - (ii) exists for political, philosophical, religious or trade-union purposes,
  - (b) is carried out with appropriate safeguards for the rights and freedoms of data subjects,

- (c) relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and
  - (d) does not involve disclosure of the personal data to a third party without the consent of the data subject.
- 5. The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.
- 6. The processing—
  - (a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),
  - (b) is necessary for the purpose of obtaining legal advice, or
  - (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.
- 7. (1) The processing is necessary—
  - (a) for the administration of justice,
  - (b) for the exercise of any functions conferred on any person by or under an enactment, or
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department.(2) The Secretary of State may by order—
  - (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.
- 8. (1) The processing is necessary for medical purposes and is undertaken by—
  - (a) a health professional, or
  - (b) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.(2) In this paragraph “medical purposes” includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services.
- 9. (1) The processing—
  - (a) is of sensitive personal data consisting of information as to racial or ethnic origin,

(b) is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and

(c) is carried out with appropriate safeguards for the rights and freedoms of data subjects.

(2) The Secretary of State may by order specify circumstances in which processing falling within sub-paragraph (1)(a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1)(c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

10. The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph.



## Appendix 2

### ACCESS TO INFORMATION PANEL

#### Terms of Reference

Denbighshire County Council is committed to compliance with all information legislation, the Human Rights Act and the common law duty of confidentiality. The Council approved the formulation of a corporate Access to Information Panel in April 2012 and the panel members obligations and powers are set out in the officer Scheme of Delegation contained within the Council's Constitution and adopted by Full Council.

Panel members:

- Head of Legal and Democratic Services (Chair)
- Business Transformation Manager
- Head of Communication, Marketing and Leisure
- Deputy Monitoring Officer
- Head of Business Planning and Performance
- Additional members: to be confirmed.

The FOI Officer/Records Manager shall also be in attendance.

#### Role and purpose

The purpose of the Access to Information Panel is to reach decisions on the disclosure or withholding of information following the receipt of a request for information under the Information Legislation, including disclosures under the Data Protection Act. The purpose of the Panel is not to provide an additional layer of bureaucracy, but to ensure consistency of approach in all areas of disclosure across the Council, with the emphasis on open government and transparency, in order to increase public confidence in the Council's decision making but also its obligations to protect personal information. It will also provide Services with the option of a reference to the Panel where they consider an exemption is applicable, against the views of the FOI team.

The Panel will make decisions on the following:

- Contentious or highly sensitive exemptions.
- Requests for a review of an initial decision by a requestor.
- References from a Service who specifically wish the matter to be decided by the Panel.
- Considering and approving any action relating to communications from the Information Commissioner's Office.
- Approve any written response to the Information Commissioner's Office.

The Panel will not make decisions on the following:

- Straightforward third party redactions of personal information.

- Exemptions which in the view of the Head of Legal and Democratic Services and the FOI team are clearly applicable to the request and will not require the commitment and attendance of the panel.

### Terms of membership

It is a condition of the panel membership that all panel members attend training on the Information Legislation in order to understand and apply the exemptions properly.

A panel member cannot delegate its responsibility to another Officer who is not a panel member.

Where a conflict of interest affects a panel member's decision making, they must advise the panel of this interest and not take part in the decision. They may take their 'hat' off as panel member and make representations from their Service, but they cannot vote on the issue.

Panel members shall keep confidential the personal details of the requestor and any confidential information they are privy to, in their capacity as panel members.

### Quorum

The Panel shall only be quorate when at least one legally qualified officer is present and at least one other panel member.

Wherever possible the Panel shall endeavour to reach a unanimous decision. Where this is not achieved, each member shall have one vote. Any matter will be decided by a simple majority of those members voting and present. In the event of an equilibrium the Chair shall have the casting vote.

### Process and Procedures

A referral to the Access to Information Panel shall be through the Corporate Information Unit, who will then make arrangements for the Panel to meet, taking into consideration the statutory time limits in which the Service needs to deal with the request.

Legal Services shall prepare the report for the panel outlining the issues, but the Panel shall be entitled to ask questions and consider factors outside of the report if they consider this relevant. Where recommended, Legal Services shall draft the response to the applicant. If due to shortness of time a written report is not available, legal advice may be given verbally at the Panel, and noted in the minutes.

The department wishing to rely on the exemption shall be invited to attend the panel, but their attendance is not mandatory.

The Access to Information Panel members shall use their best endeavors to attend any urgent meetings where this is necessary and unavoidable; however reasonable notice must be given to Panel members. If appropriate, urgent decisions may be made electronically, providing the request is not complex or necessitates the personal attendance of the department wishing to rely on the exemption.

### s.36 Decisions

The Head of Legal and Democratic Services is the sole panel member for s.36 decisions, who shall consult and itemize the issue before the panel, and take the panels' views into consideration, prior to a final decision under this section.

The Panel shall receive any reports or decisions from the Information Commissioners' Office and the recommendations, and be kept informed of progress of such appeals.

Version 2 January 2013



## Appendix 3

Dear Sirs,

Compliance with the Data Protection Act 1998

Title of Service to be provided: [ \_\_\_\_\_ ]

As you will appreciate the Council needs to ensure it complies with its legal obligations under the Data Protection Act 1998 and in this regard we set out below the terms of the disclosure of personal data to you and our obligations to you under this arrangement. The law does not permit us to allow you to process such data unless we comply, and can demonstrate that we comply with certain requirements. This personal data will include [list the type of data to be disclosed] which we agree to disclose to you on the following terms.

### 1) Security

You and we will take appropriate technical and organizational measures against unlawful and unauthorized processing of the personal data and against accidental loss, destruction of and damage to the personal data. In particular, you and we are required to:

- 1.1 keep the personal data strictly private and confidential;
- 1.2 minimise disclosure of the personal data to third parties to the fullest extent possible;
- 1.3 allow access to the personal data strictly on a 'need to know' basis and use appropriate access controls to ensure this requirement is satisfied;
- 1.4 ensure that any recipients of the personal data are subject to a binding duty of confidentiality in relation to the data.

### 2) Personnel

You and we will take all reasonable steps to ensure the reliability of all personnel (whether employees or contractors) that may have access to the personal data and to ensure that they are adequately trained in the good handling of personal data.

### 3) Instructions

You will only act in accordance with our instructions which are to provide you with the [names and addresses /insert type of data] in order to [specify what they will do with the data]

### 4) Subcontractors

You and we are not permitted to subcontract any activity relating to this agreement that will involve a third party processing the personal data.

5) Transferring Data outside the EEA

You and we will not transfer the personal data to any territory outside the EEA without our prior written consent.

6) Retention of Personal Data

- 6.1 You and we will promptly amend or delete any personal data that you process for us for the purposes of this agreement.
- 6.2 You and we will retain the personal data only for as long as is necessary for the purposes of this agreement.

7) Ending this agreement

Either of us may end this agreement by giving [ ] days written notice to the other. When this arrangement ends you agree to destroy any personal data that we have disclosed for the purposes of this arrangement.

8) Law

This letter and the arrangement made under it will be governed by the law of England and Wales.

9) Third Party Rights

We agree that we enter into this arrangement for the benefit of ourselves and the individuals whose personal data you will process each of which will be entitled to enforce it. Other than that no other person shall be entitled to enforce it.

Please sign the enclosed copy of this letter to indicate your agreement to it's terms.

Yours faithfully

.....  
 Name  
 Job Title  
 For and on behalf of Denbighshire County Council

.....  
 Name  
 Job Title/Authorised signatory  
 For and on behalf of [Insert supplier]

## **Meifod Wood Products Privacy Policy**

### **1. Introduction and General Terms**

Meifod Wood Products is committed to protecting personal information when using this website. This privacy policy relates to our use of any personal information provided to us through this website. In order to provide you with the full range of services or products, we are sometimes required to collect information about you. This privacy policy explains the following:

- what information Meifod Wood Products may collect about you
- how Meifod Wood Products will use information we collect about you
- when Meifod Wood Products will use your details to contact you
- whether Meifod Wood Products will disclose your details to anyone else
- your choices regarding the personal information you have provided to us
- the use of cookies and how you can reject these cookies

As set out above Meifod Wood Products is committed to safeguarding your personal information. Whenever you provide such information, we are legally obliged to use your information in line with all laws concerning the protection of personal information, including the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations 2003.

### **2. What information will Meifod Wood Products collect about me or my clients?**

When you register with Meifod Wood Products to receive information or services or goods, we may ask for personal information about you or if you are registering on behalf of clients, about them. This can consist of information such as your name, email address, postal address, telephone or mobile number or date of birth. Different products or services we sell, may require different types of personal information, and in some circumstances, this may involve us holding sensitive personal data such as health and disability data. We will not ask you for information such as this unless this is necessary.

Cookies are used to store login information and order information. If you do not wish to use cookies you should disable them in your web browser. IP addresses are not collected.

### **3. How will Meifod Wood Products use the information collected about you?**

Meifod Wood Products will use the information collected for a number of purposes including the following:

- 'service administration purposes' which means that Meifod Wood Products may contact you for reasons connected with your current or previous orders. Eg product recalls or to advise you that delivery may be delayed.
- 'electronic direct marketing' which means that we may contact you by email from time to time with details of any new products or services which may be relevant to you if you have used our services previously. This is known as 'soft opt in' and the Regulations referred to in part 1 above allow this in these circumstances. If you have not used us before, we will always obtain your consent, before sending direct marketing communications by email.
- 'direct marketing' we may send information to you in the post from time to time. If you do not wish us to do so please advise us.

### **4. When will Meifod Wood Products contact me?**

We may contact you for the following purposes:

- in relation to any after sales service/care we provide.
- to invite you to participate in surveys about our services or goods
- for marketing purposes where you have specifically agreed to this.

### **5. Will Meifod Wood Products share my personal information with anyone else?**

We will keep your personal information confidential except where its disclosure is required or permitted by law (for example to government bodies or law enforcement agencies) and generally we will only use your personal information within Meifod Wood Products and not share this personal information within Denbighshire County Council's other internal departments without consent.

### **6. How long will Meifod Wood Products keep my personal information?**

We will hold your personal information on our system for as long as is necessary for the relevant service or as long as is relevant in any contract between ourselves and you. This time period will usually be in line with Denbighshire County Council's Corporate Retention Policy.

If you wish to have your details removed from our database, we will comply with your request eg to remove you from our electronic marketing database, but may need to keep your details for other purposes, depending on the reason why you provided us with that information. Eg should we need to recall a product you have purchased.

## **7. Can I find out what personal information Meifod Wood Products holds about me?**

Under the Data Protection Act an individual has the right to request a copy of the personal information that Meifod Wood Products holds about them and to have any inaccuracies corrected. The Council charges £10 for such information requests as is permitted under the data protection law and will require you to prove your identity. This is in order to protect your information from disclosure to third parties without your consent. We will use reasonable efforts to supply, correct or delete personal information about you on our files. Please address such requests to our Data Protection/Freedom of Information Officer, Denbighshire County Council, The Old Gaol, 46 Clwyd Street, Ruthin, Denbighshire, LL15 1HP

If you have any comments about this privacy policy please contact the General Manager, Meifod Wood Products, Unit 4,. Colomendy Industrial Estate, Denbigh, Denbighshire, LL16 5TA or telephone 01745 816900 or via email at [meifod.woodproducts@denbighshire.gov.uk](mailto:meifod.woodproducts@denbighshire.gov.uk)

DRAFT



**PWYLLGOR LLYWODRAETHU CORFFORAETHOL: BLAEN-RAGLEN WAITH**

| DYDDIAD Y CYFARFOD | ADRODDIAD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | AWDUR                                                                                                                                                                                                                                                                                                                         |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 Ebrill 2013     | <p><b>Sesiwn Hyfforddi Pwyllgor – Rheoli'r Trysorlys</b></p> <p><b>Eitemau Sefydlog</b></p> <p>Materion a Gyfeiriwyd gan Bwyllgorau Craffu<br/>Adroddiad Cynnydd Archwilio Mewnol<br/>Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd</p> <p><b>Adroddiadau</b></p> <p>Materion Cyfansoddiadol (i gynnwys mynediad at gofnodion pleidleisio electronig)<br/>Adolygu'r Cyfansoddiad</p> <p>Cynllun Gweithredu y Fframwaith Llywodraethu Corfforaethol<br/>Strategaeth Archwilio Mewnol 2013/14<br/>Hyfforddiant ar gyfer Aelodau'r Pwyllgor Cynllunio</p> | <p><b>Richard Weigh</b></p> <p>Cydlynnydd Craffu<br/>Pennaeth Archwilio Mewnol<br/>Rheolwr Gwella Corfforaethol</p> <p>Pennaeth Gwasanaethau Cyfreithiol a Democrataidd<br/>Pennaeth Gwasanaethau Cyfreithiol a Democrataidd<br/>Pennaeth Archwilio Mewnol<br/>Pennaeth Archwilio Mewnol<br/>Rheolwr Rheolaeth Datblydiad</p> |
| 22 Mai 2013        | <p><b>Eitemau Sefydlog</b></p> <p>Materion a Gyfeiriwyd gan Bwyllgorau Craffu<br/>Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd<br/>Adroddiad Cynnydd Archwilio Mewnol</p> <p><b>Adroddiadau</b></p>                                                                                                                                                                                                                                                                                                                                                   | <p>Cydlynnydd Craffu<br/>Rheolwr Gwella Corfforaethol<br/>Pennaeth Gwasanaethau Archwilio Mewnol</p>                                                                                                                                                                                                                          |

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|--|---------------------------------------------------------------------------------------|--------------------------------------------------------|
|  | Datganiad Llywodraethu Blynyddol 2012/13 Drafft<br>Adroddiad Archwilio Mewnol 2012/13 | Pennaeth Archwilio Mewnol<br>Pennaeth Archwilio Mewnol |
|--|---------------------------------------------------------------------------------------|--------------------------------------------------------|

DS Nid ydym ar hyn o bryd yn gwybod beth fydd union ddyddiad cyhoeddi adroddiadau achlysurol gan er enghraifft Swyddfa Archwilio Cymru neu Adroddiad Blynyddol gan yr Ombwdsmon. Caiff dyddiad cyfarfod ei neilltuo ar eu cyfer cyn gynted ag y bydd hynny'n ymarferol bosibl.

**Diweddarwyd 8/2/2013KEJ**