



To: Members of the Corporate
Governance Committee

Date: 19 February 2013

Direct Dial: 01824712575

e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **CORPORATE GOVERNANCE COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 27 FEBRUARY 2013** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS

Notice of items, which in the opinion of the Chair should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

4 MINUTES (Pages 5 - 14)

To receive the minutes of the Corporate Governance Committee meeting held on 9 January 2013 (copy enclosed).

5 WALES AUDIT OFFICE IMPROVEMENT ASSESSMENT LETTER (Pages 15 - 24)

To consider a report by the Corporate Improvement Manager (copy enclosed) presenting the latest Improvement Assessment Letter for Denbighshire County Council issued by the Wales Audit Office on 28 January 2013.

9.40 a.m.

6 ROLE OF CHAMPIONS (Pages 25 - 42)

To consider a report by the Head of Legal and Democratic Services (copy enclosed) seeking the committee's views on the different roles that have been suggested be undertaken by Member Champions.

10.05 a.m.

7 INTERNAL AUDIT PROGRESS REPORT (Pages 43 - 66)

To consider a report by the Head of Internal Audit Services (copy enclosed) updating members on the latest progress of the Internal Audit Service in terms of its service delivery, assurance provision, reviews completed, performance and effectiveness in driving improvement.

10.30 a.m.

~~~~~ BREAK ~~~~~

**8 CORPORATE GOVERNANCE FRAMEWORK ACTION PLAN** (Pages 67 - 74)

To consider a report by the Head of Internal Audit Services (copy enclosed) updating members on the latest action plan and progress resulting from the review of the Council's governance framework and the Annual Governance Statement 2011/12.

**11.15 a.m.**

**9 INFORMATION LEGISLATION POLICIES** (Pages 75 - 128)

To consider a report by the Deputy Monitoring Officer (copy enclosed) presenting the draft reviewed Freedom of Information and Data Protection Policies.

**11.40 a.m.**

**10 CORPORATE GOVERNANCE COMMITTEE WORK PROGRAMME** (Pages 129 - 130)

To consider the committee's forward work programme (copy enclosed).

**PART 2 - CONFIDENTIAL ITEMS**

No Items.

## **MEMBERSHIP**

### **Councillors**

Raymond Bartley  
Stuart Davies  
Martyn Holland

Gwyneth Kensler  
Jason McLellan  
David Simmons

### **Lay Member**

Paul Whitham

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## CORPORATE GOVERNANCE COMMITTEE

Minutes of a meeting of the Corporate Governance Committee held in Conference Room 1a, County Hall, Ruthin on Wednesday, 9 January 2013 at 9.30 am.

### PRESENT

Councillors Raymond Bartley, Stuart Davies, Martyn Holland, Jason McLellan (Chair) and David Simmons together with Lay Member Paul Whitham

### ALSO PRESENT

Corporate Director Modernisation and Wellbeing (SE), Head of Legal and Democratic Services (RGW), Head of Internal Audit Services (IB), Audit Manager (BS), Head of Finance and Assets (PM), Technical Accountant (RIJ), Service Manager: Quality and Systems Development (CM) and Committee Administrator (KEJ) together with Wales Audit Office Representatives (AV and GB) and Care and Social Services Inspectorate Wales Representatives (AM & SM).

#### 1 APOLOGIES

Councillor Gwyneth Kensler

#### 2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

#### 3 URGENT MATTERS

No urgent matters had been raised.

#### 4 MINUTES

The minutes of the Corporate Governance Committee held on 14 November 2012 were submitted.

***RESOLVED** that the minutes of the meeting held on 14 November 2012 be received and approved as a correct record.*

#### 5 LOCAL AUTHORITY SOCIAL SERVICES INSPECTION EVALUATION AND REVIEW 2011 - 12

The Corporate Director Modernisation and Wellbeing (CD:MW) submitted a report (previously circulated) setting out the key issues arising from the Care and Social Services Inspectorate Wales (CSSIW) evaluation of Denbighshire Social Services performance for 2011 – 12. A copy of the full evaluation had been attached to the report (Appendix 1) together with an overview of the Council's response to the identified areas of progress and areas for improvement (Appendix 2).

The CD:MW introduced and welcomed to the meeting Angela Mortimer and Sue Millington, Area Managers for CSSIW together with the Council's Service Manager: Quality and Systems Development (SM:QSD) Craig McLeod. She provided some background information to the report and the context of the annual evaluation as part of the Council's overall performance management system. It was a positive evaluation for Denbighshire identifying significant progress in many areas with areas for improvement identified which mirrored those within the Director's self-assessment. Members' attention was particularly drawn to the following areas –

- ambitious programmes of service change with clear leadership and performance management arrangements had been highlighted
- areas identified for improvement had been embedded within Services Business Plans which were monitored on a quarterly basis
- a risk had been identified regarding strategic planning with Betsi Cadwaladar University Health Board (BCUHB) [which had also been identified across all North Wales authorities]. A comprehensive response to BCUHB's consultation on plans to reorganise healthcare provision had been submitted and the need for a Strategic Group had been highlighted.

The Area Manager (AM) commented on the positive report which looked back over the previous twelve months advising that things had moved on and actions were being undertaken to progress the areas identified for improvement. She also commented on the quality of engagement with the authority and senior officers who had been helpful in producing information in order to guide the evaluation process.

Members were pleased to note the positive aspects of the report and significant progress being made but focused their questions on those areas identified for improvement and where progress had been more limited and sought assurances regarding the robustness of actions to address them. Discussion focused on the following areas –

- **CSSIW had identified the continuing ability to influence locality focused strategic planning with BCUHB as a potential risk** – the AM explained that an interface with health was crucial to service planning and provision for Adult and Children's work and that the restructure of BCUHB had disrupted many relationships which had affected the pace of progressing plans to fruition. Members expressed serious concerns regarding the identified risk, particularly in view of the reorganisation of healthcare provision and subsequent impact on Council services and budgets, and sought assurances as to how the risk would be effectively managed. The CD:MW referred to initiatives, such as the localities project, which had been slower to progress because of the difficulty of engaging staff locally following BCUHB's restructure and operation on a regional basis together with other conflicting priorities. She was hopeful that Strategic Groups would be established on a county basis to enable local issues to be resolved and progressed. She added that relationships at operational level continued to be good with BCUHB in other areas and they had been actively involved with BCUHB in resolving particular issues. A strategic forum of six Social Services Directors and BCUHB Directors also met on a quarterly basis with a view to resolving issues. [Councillor Stuart Davies wished it to be recorded that assurances had been sought from BCUHB that

existing facilities would not be closed as part of the reorganisation until new ones opened. Whilst the Chief Executive had been given that assurance some members had been advised separately that no assurance could be provided.]

- **Improving sickness absence** – progress had been more limited in improving sickness absence and members queried whether staffing resources and workload had been addressed; the reasons for absence, and what mechanisms had been introduced to improve performance. Officers confirmed that agency staff were no longer used and sufficient staff had been recruited. Whilst sickness levels had improved progress was still limited and officers elaborated upon more robust mechanisms which had been introduced to manage absence and facilitate staff returning to work after sickness. Stress had been identified as the primary reason for absence which was replicated across all council services but Denbighshire's rates compared favourably with other local authorities. Discussions were ongoing around the cause of stress and whether sickness was work related and an analysis of better performing services would be undertaken with a view to sharing best practice. Councillor Bobby Feeley advised that a Working Group would be established with a view to tackling the specific issue in social services
- **Review of Services provided to Adults** – the importance of care plans were highlighted and the SM:QSD responded that 94% of care plans had been reviewed on time and more robust systems had been introduced in order to track performance of reviews
- **Respite Care Systems** – Councillor Raymond Bartley highlighted the bureaucracy involved in the process for providing respite care in care homes which he felt should be reviewed in order to assist carers and ensure that families were interviewed as part of that process. The CD:MW referred to the Carers Strategy and contact with families and the balance between supporting carers and maintaining people's independence. She also highlighted the need to prioritise and make best use of limited resources in supporting carers. The AM added that carers receiving services had been generally positive.
- **Safeguarding Children** - Councillor Martyn Holland sought assurances regarding the mechanisms in place for identifying children at risk. The CD:MW advised that there were very resilient systems in place and good joint working relationships with other agencies. She reported on the work of a Joint Multi Agency Panel (JRAP) to screen referrals which provided a co-ordinated multi agency approach. In response to a question from the Chair regarding early intervention in vulnerable families, the CD:MW reported upon a multi agency approach to identify key precipitating factors in order to detect the most vulnerable families. That intelligence would be used for intervention through the Families First Programmes and Intensive Family Support. The process had been extensively documented and the results could be made available to members on request. It was hoped that early intervention would result in fewer care proceedings.

- **Out of County Placements** – the CD:MW responded to a question from Councillor Raymond Bartley advising that approximately fifteen children were currently placed outside the county and the number had gradually been reducing. The AM referred to a recent CSSIW review on children in care which would be available in February 2013 which identified good practice and may be of interest to the authority.

The Chair thanked the CSSIW Area Managers for their attendance at the meeting and their perspective on the Council's social services performance and evaluation.

***RESOLVED** that the report on the performance evaluation of Denbighshire Social Services for 2011-12 be received and noted.*

## **6 TREASURY MANAGEMENT STRATEGY STATEMENT 2013/2014 AND PRUDENTIAL INDICATORS 2013/14 TO 2015/16**

The Head of Finance and Assets (H:FA) submitted a report (previously circulated) seeking members' review of the Treasury Management Strategy Statement (TMSS) for 2013/14 and the Prudential Indicators for 2014/14, 2014/15 and 2015/16 prior to approval by Council. The TMSS had been attached to the report together with the individual Prudential Indicators recommended for approval.

The H:FA reported upon the key elements of the TMSS detailing how the Council would manage its investments and borrowing for the coming year and policies within which the TM function operated. In guiding members through the report, the H:FA explained each of the issues in detail to aid the committee's understanding of the complexities involved within treasury management activities and provide a working knowledge of those particular functions. The TMSS included the following sections –

- Background and Treasury Position
- Investment Strategy
- Borrowing Strategy
- Debt Rescheduling
- Minimum Revenue Provision (MRP) Statement
- Reporting Treasury Management Activity
- Annex A – E covered: Prudential Indicators; Specified and Non-Specified Investments; Recommended Sovereign and Counterparty List; Interest Rate Outlook and Impact of the Corporate Plan.

During his presentation of the report, the H:FA also updated members on recent developments and clarified issues in response to members' questions thereon. Key points of discussion included –

**Housing Revenue Account (HRA)** – The H:FA advised that the HRA had a negative subsidy paying approximately 25% of income to the Welsh Government for debt. He explained forthcoming changes to the current system, already introduced in England, which would redistribute that debt directly to local authorities. The debt was likely to be transferred in 2014/15 and would then appear in the TMSS and show a significant increase in the Council's debt figure. However



the Council would gain financially as the amount of the debt transferred would be reduced. Members were disappointed to note that the Welsh Government had excluded Councils from negotiations with the Treasury regarding the debt and had refused to provide any information in that regard. The H:FA advised that the Welsh Local Government Association had highlighted those concerns directly to the Welsh Government. Members discussed the likely outcome of the negotiations with the H:FA together with the possibility that those local authorities struggling to meet the Welsh Housing Quality Standard for their Council Housing Stock may benefit from the process at the expense of those close to meeting the Standard. The possibility of additional borrowing being available for housing refurbishment at the same favourable interest rate was also mentioned. Despite the uncertainties surrounding the new system members were pleased to note that the Council would benefit financially from the transfer of debt but hoped that the all local authorities would benefit equally as a result of the change.

**Ratio of Financing Costs to Net Revenue Stream** – The ratio of revenue budget used to pay debt for the next financial year was approximately 6.77%. Members were advised of minor movements in finances and of grants transferred into the general settlement resulting in a higher revenue figure. In response to questions, the H:FA advised that approximately 56% of the 2013/14 revenue budget would be ring fenced and protected for schools and social care budgets with more directives from the Welsh Government (WG) about how to spend funding leaving the Council with little control over the main elements. Little support had been forthcoming from other local authorities to argue against the WG directives.

**Reserves** – In response to a question from Councillor Stuart Davies, the H:FA advised that approximately £7m was currently held in general balances which had increased in recent years. The cost of responding to the flooding incident was currently being calculated and an application would be made to the Welsh Government in that regard. Balances were currently being used to cover associated flooding costs and individual services would not bear any of the cost. The amount in balances and reserves would be reviewed and would likely be replenished via departmental underspends if necessary.

**Impact of Corporate Plan** – Members were advised that the impact on the Corporate Plan had been detailed in Annex E to the report. Additional information would be included in this section prior to submission of the report to County Council in February detailing the impact on borrowing and financing the Corporate Plan. Members' attention was also drawn to changes to the 21st Century Schools Grant and the impact on the Council's delivery of the programme. It was now expected that the Welsh Government would provide revenue support for approximately £10m resulting in a further rise in the Council's debt figure and a perception that the Council's debt had increased. Councillor Martyn Holland stressed the importance of making the financial situation clear to the public in order to avoid any misconceptions as a result of the transfer of responsibility. Members queried whether the provision of revenue support from the WG was guaranteed and the H:FA explained that a notional guarantee had been provided but that the funding was a complex issue and the risk would be transferred to the Council.

Members thanked the H:FA for his comprehensive presentation which provided a greater insight into treasury management activities and had been well received. Consequently it was –

**RESOLVED** that, subject to the inclusion of additional information regarding the impact of borrowing and financing the Corporate Plan, the Treasury Management Strategy Statement for 2013/14 and the Prudential Indicators for 2013/14 to 2015/16 be approved for submission to County Council.

At this juncture (11.20 a.m.) the committee adjourned for a refreshment break.

## **7 INTERNAL AUDIT PROGRESS REPORT**

The Head of Internal Audit Services (H:IAS) submitted a report (previously circulated) updating members on the latest progress of the Internal Audit Service in terms of service delivery, assurance provision, reviews completed, performance and effectiveness in driving improvement. Members' attention was drawn to the recent internal audit reports issued in respect of the following –

**Rhyl High School** – The H:IAS referred to the award of a medium assurance rating which was a significant improvement on the previous audit which had resulted in school representatives being brought before this committee. Feedback from the Headteacher and Governors had been positive and the H:IAS was confident that the school would address the issues that prevented it from receiving a high assurance rating. Members were pleased to note the positive audit report and following a proposal by Councillor David Simmons it was agreed that a letter from this committee be sent to Rhyl High School congratulating them on their achievement.

Members considered school funds generally to be a particular risk area which could be exploited and queried the mechanisms in place to safeguard against that risk. The H:IAS advised that schools had responsibility for managing those finances and could request an audit by the Council which would be charged for. Particular elements such as record keeping formed part of a general school's audit. Councillor Martyn Holland asked whether a system could be established for schools in order to help manage funds and share best practice. It was suggested that the School Finance Managers would have a role to play in that regard. The committee agreed with the suggestion of the Head of Finance and Assets that an item be placed on the agenda for the School Finance Managers Network to consider as a means of progressing that issue. In response to a question from Lay Member Paul Whitham the H:IAS confirmed that guidance was available for those managing school funds and work was being undertaken to produce a simple checklist.

**High inherent risk from Corporate Risk Register (DCC006)** – Members were advised that this audit did not require a full audit report but had been carried out to ensure effective management and a brief summary had been issued.

**Public Realm** – A general audit had been carried out and work was ongoing to address particular issues identified. Councillor Martyn Holland referred to the problems regarding the roll out of the recycling and refuse collection service in the

south of the county and queried the cost of the recycling programme and whether lessons had been learnt. He also questioned whether value for money had been achieved for the recycling programme across the whole county and the existing process for monitoring performance. The Head of Legal and Democratic Services advised that County Council had discussed the matter at their meeting on 4 December which had been referred to the Communities Scrutiny Committee for consideration. The Chief Executive had also advised that an investigation would be undertaken and a further report could be submitted to County Council for consideration if requested by members. The H:IAS added that a review of refuse collection had been included in the audit plan for 2013/14. Members also briefly referred to issues regarding Trade Waste and the H:IAS advised that an audit report on Trade Waste would be considered at the committee's next meeting.

**Data Protection & Freedom of Information** – Due to the low assurance rating an escalation meeting had been held with the Chief Executive and Lead Member to discuss the action plan. As this item was a corporate issue actions spanned a number of departments which would be addressed over the coming months. Work was currently ongoing to develop a new Data Protection Policy. In response to questions members were advised that the audit covered both electronic and paper records and schools had also been included within the scope of the audit.

The H:IAS also drew members' attention to the follow up of three Internal Audit reports where actions had not been completed within the timescale agreed and provided an update on the current position. The three areas were (1) Strategic Human Resources, (2) Home to School Transport, and (3) St. Brigid's School. The audits would be reported to the committee's next meeting and members were asked to consider whether they wished to invite representatives from those areas to attend. In the meantime Internal Audit would continue to follow up the outstanding actions to try and ensure they were progressed as soon as possible. Members agreed to consider the findings of the reports in the first instance before deciding whether to invite any representatives to attend.

Finally members considered progress against delivery of Internal Audit's Operational Plan 2012/13 (Appendix 1 to the report) and raised the following issues

–

- Councillor Martyn Holland referred to the audit of IT Operations Management and queried whether the issue over the storage of backup tapes had been resolved. Officers advised that there would be negotiation of space in another office location for the tapes and progress with implementing that recommendation would be checked during follow up of the report
- in response to a question from Lay Member Paul Whitham, the H:IAS advised that the report submitted to the Performance Scrutiny Committee in September 2012 on School Balances would be available to access via the Council's website
- Mr. Gwilym Bury, Wales Audit Office Representative queried whether the ten days planned for the Flood Risk Management audit was sufficient given the recent flooding incidents. The H:IAS explained the intention to focus the audit on the management of risk for which ten days would be sufficient. Given the other ongoing investigations in relation to the recent flooding the audit would

need to be scoped to avoid any duplication. Mr. Bury suggested that the quality of the plans in place should be examined.

**RESOLVED** that –

- (a) *subject to members' comments above, the progress report on the Internal Audit Service be received and noted;*
- (b) *a letter be sent on behalf of the committee to Rhyl High School congratulating them on their positive audit report and the significant improvements made, and*
- (c) *an item be placed on the agenda for the School Finance Managers Network to consider whether a system could be established for schools to help manage funds and share best practice.*

## **8 CORPORATE GOVERNANCE FRAMEWORK ACTION PLAN**

The Head of Internal Audit Services (H:IAS) submitted a report (previously circulated) updating members on the latest action plan and progress to date resulting from the review of the Council's governance framework and the Annual Governance Statement 2011/12. The framework included an annual assessment of the Council's governance arrangements and an Annual Governance Statement highlighting governance weaknesses requiring improvement. A Governance Group had been established to manage the process and an action plan had been developed (attached to the report) arising from the latest review of governance arrangements.

Mr. Anthony Veale, Wales Audit Office Representative highlighted continuous monitoring of the action plan to be good practice in order to provide assurances on the effectiveness of the process as part of the Council's overall governance arrangements. The committee noted the flexibility in the plan and that issues would be added as they arose during the year and agreed they needed to be proactive in scrutinising those actions. Members agreed to consider the action plan at their next two meetings (in February and April) before deciding on how frequently they wished to monitor the action plan in future.

The action plan included reference to members' performance and development and Councillor Martyn Holland highlighted the importance of member training in order to equip councillors with the necessary skills and knowledge to perform their duties effectively. He felt a greater commitment was needed from councillors in order to develop their capabilities. Councillor Raymond Bartley referred to poor attendance at member training events and queried the reasons therefore and actions being undertaken to increase take up rates. The Head of Legal and Democratic Services (H:LDS) advised that a detailed questionnaire had been sent to members in order to inform the next training plan for councillors and it was hoped that attendance would improve as a result. Officers were also looking at other means of training provision including the creation of a Learning Hub to enable electronic training and viewing of previously recorded training. Reference was also made to the member training needs review required by the Local Government Measure which would be

progressed by the Lead Member Councillor Barbara Smith. The Chair suggested that a home learning package could be created involving prerecorded training on DVD plus materials and assessments for members to complete. In terms of specific training for this committee the H:IAS referred to the previous committee's practice of self-assessment to identify gaps in knowledge or skills which may be carried out in the future. Lay Member Paul Whitham queried the extent of training for lay members and the H:LDS advised that general training such as on the Code of Conduct would be appropriate for all together with specific training on areas required by the lay/co-opted members in order to carry out their various roles.

**RESOLVED** that –

- (a) *subject to members' comments above, the progress in managing the actions in the Corporate Governance Framework Action Plan be noted, and*
- (b) *the Corporate Governance Action Plan be submitted to the next two meetings in February and April for further consideration and monitoring before a decision was made on the frequency of future reporting on the Action Plan.*

## **9 CORPORATE GOVERNANCE COMMITTEE WORK PROGRAMME**

A report by the Head of Legal and Democratic Services (H:L&DS) was submitted (previously circulated) outlining the committee's forward work programme. The Head of Internal Audit Services advised of amendments to the work programme to include the following reports –

- Internal Audit Strategy 2013/14 - April
- Annual Report 2012/13 - May
- Corporate Governance Framework Action Plan – February and April.

**RESOLVED** that, *subject to the above amendments, the forward work programme be approved.*

The meeting concluded at 12.30 p.m.

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**Report To:** Corporate Governance Committee

**Date of Meeting:** 27 February 2013

**Lead Member / Officer:** Cllr Barbara Smith / Alan Smith

**Report Author:** Tony Ward

**Title:** WAO Improvement Assessment Letter

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**1. What is the report about?**

- 1.1. This paper presents the latest Improvement Assessment Letter for Denbighshire County Council, issued by the Wales Audit Office (WAO) on 28<sup>th</sup> January 2013. The letter is attached at Appendix I.

**2. What is the reason for making this report?**

- 2.1. This report provides information regarding the latest WAO Improvement Assessment Letter for Denbighshire County Council. This is one of the key external regulatory reports received by the council each year.

**3. What are the Recommendations?**

- 3.1. That the committee consider the report, including the two new proposals for improvement on page 7 of the Improvement Assessment Letter.

**4. Report details.**

- 4.1. The Improvement Assessment Letter reports the conclusions of the Auditor General for Wales from his audit and assessment work in relation to whether the Council has discharged its duties and met the requirements of the Local Government (Wales) Measure 2009. More detailed work on the council's arrangements to support performance management and performance reporting is currently taking place, and the Auditor General will summarise all of this work (and that of other relevant regulators during 2012-13) when he publishes an Annual Improvement Report for the Council by the end of March 2013. This Annual Improvement Report will be presented to the committee on 10<sup>th</sup> April 2013.

**5. How does the decision contribute to the Corporate Priorities?**

- 5.1. The report does not require a decision.

**6. What will it cost and how will it affect other services?**

- 6.1. There is no cost implication associated with this report.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

7.1. There is no requirement for an equality impact assessment as this report will not result in a decision which will result in any change for staff or the community. It will therefore not have a disproportionate negative impact on people who share particular protected characteristics.

**8. What consultations have been carried out with Scrutiny and others?**

8.1. A draft of the Improvement Assessment Letter was presented to the Chief Executive, and feedback provided, prior to the letter being finalised. The Improvement Assessment Letter was also presented for information to the Performance Scrutiny Committee on 21<sup>st</sup> February 2013.

**9. Chief Finance Officer Statement**

9.1. Not required.

**10. What risks are there and is there anything we can do to reduce them?**

10.1. Not applicable.

**11. Power to make the Decision**

11.1. The report does not require a decision.





24 Cathedral Road / Heol y Gadeirlan  
Cardiff / Caerdydd  
CF11 9LJ  
Tel / Ffôn: 029 20 320500  
Fax / Ffacs: 029 20 320600  
Email / Epost: wales@wao.gov.uk  
www.wao.gov.uk

Dr Mohammed Mehmet  
Chief Executive  
Denbighshire County Council  
County Hall  
Wynnstay Road  
Ruthin  
Denbighshire  
LL15 1YN

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Dear Mohammed

## Improvement Assessment

This letter summarises the key conclusions arising from my work in respect of improvement planning and reporting under the Local Government (Wales) Measure 2009 (the Measure).

I am required to report my audit and assessment work in relation to whether Denbighshire County Council (the Council) has discharged its duties and met the requirements of the Measure.

Further to my earlier Improvement Assessment letter of 17 September 2012 this letter summarises:

- my views on whether the Council has discharged its statutory duties in respect of improvement planning;
- my views on whether the Council has discharged its statutory duties in respect of improvement reporting;
- my views, and the views of relevant regulators, on the reliability of the Council's self-evaluation; and
- my further proposals for improvement.

Further to this, I will undertake more detailed work on the arrangements that support the Council's performance management and reporting over the coming months.

I shall summarise all of my work, and that of relevant regulators during 2012-13, and publish an Annual Improvement Report for the Council by the end of March 2013.

## Improvement Planning

### **The Council has discharged its improvement planning duties under the Measure and has acted in accordance with Welsh Government Guidance**

While the Measure requires councils to publish their improvement plans as soon as possible after the beginning of the financial year, I reported in my September letter that, following the local government elections in May 2012, the Council had decided to develop a new Corporate Plan following a considerable amount of consultation and engagement with residents and its staff, including:

- a Residents' Survey: 2,256 households responded to a survey;
- a Public Survey: 1,228 people responded to a survey on the Council's website and in leisure centres, libraries, and Council reception areas;
- and workshops with young people.

The Council agreed and published its new Corporate Plan in October 2012. My audit and assessment work found that the Council's Corporate Plan, 'Corporate Plan 2012-17: An excellent Council, close to the community', meets the requirements of the Measure. The Council has set out a clear rationale for selecting the areas it is focusing on improving, based on its current performance, stakeholder and partner views and recent consultation activity with citizens. The Council has produced a Welsh language version of the Plan and provided summary versions on its website and in its newsletter, 'County Voice'.

The Council's Corporate Plan has seven Improvement Objectives relating to: education and school buildings; developing the local economy; improving roads; protecting vulnerable people; clean and tidy streets; access to good quality housing; and modernising the Council.

The Council has clearly stated what the Improvement Objectives aim to achieve and has included broad details, linked to its Mid Term Financial Plan, on the resources available, both revenue and capital, to support their delivery.

The clarity of the link between the Improvement Objectives and accompanying measures of success, baseline data and targets for improvement is not yet consistent across all seven Improvement Objectives. Some links are very clear and show the intended impact of improvement. The measures of success for the Improvement Objective to improve roads, for example, focus on an overall reduction in the percentage of roads being classed as being in poor condition, and improvement in residents' satisfaction with the quality of roads. It is therefore clear what the Council is seeking to improve.

In some other Improvement Objectives, the measures for assessing whether anyone is better off are not yet as detailed or effective. The Council reports that it intends to address this issue through publishing by the Spring of 2013 the technical guidance which will define indicators to measure success for all the Improvement Objectives and the 'excellence threshold' that the Council is aiming to achieve during the lifetime of the Corporate Plan.

The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 (the Act) sets out specific requirements for local authorities in Wales. The Act required councils to develop and publish Equality Objectives and a Strategic Equality Plan by 2 April 2012. There is significant alignment between the requirement to produce Equality Objectives and the 'Fairness' element that authorities must consider in setting Improvement Objectives under the Measure. The Council's Corporate Plan includes an equality impact assessment, which includes some information on the Council's equality work, particularly in relation to research and reports on topics relating to protected groups and the Council's future plans for engagement with these groups. We believe the Council has met the requirements of the Act in setting its Improvement Objectives.

## Improvement Reporting

### **The Council has discharged its improvement reporting duties under the Measure but it should ensure that it acts more in accordance with Welsh Government guidance**

I have reached this conclusion because:

- the 2011-12 Performance Report meets the requirements of the Measure; but
- there is scope to adhere more closely to Welsh Government guidance by improving the quality of some measures and evidence the Council uses to judge improvement.

### **The 2011-12 Performance Report meets the requirements of the Measure**

I have reached this conclusion because the Performance Report (the Report):

- is available in English and Welsh to download from the Council's website, and versions in Braille and other languages can be provided upon request;
- assesses the Council's performance in the preceding financial year (2011-12) and clearly sets out how the Council has sought to discharge its duties under the Measure;
- includes details of performance as measured by the national statutory performance indicators;
- was published before the statutory deadline of 31 October 2012;
- provides a clear and well-structured focus on the Council's progress in the delivery of its Improvement Objectives; and

- is concise and well written and, for most of the Improvement Objectives set for 2011-12, reports clear outcome-based performance, and links the Improvement Objectives to the tables of statutory and key performance indicators.

The Report includes an explanation of how its contents contribute to the Council's statutory duty to 'make arrangements to secure continuous improvement and account for it'. Like the Plan, its lay-out is structured around the Improvement Objectives.

The Report includes a summary of the Council's 2011-12 performance compared with the previous year and a brief explanation of the main successes and failures in the delivery of some of the key projects assigned to the Council's Improvement Objectives and other strategic priorities. In the 2009-12 Corporate Plan the Council made a commitment to become a 'High Performing Council, Close to its Communities' and chose 19 national indicators to judge its performance. The main body of the Report contains a full list of projects associated with each of the five Improvement Objectives and strategic priorities. Each indicator and performance measure is rated red, orange, yellow or green to indicate the Council's evaluation of the extent to which the intended output or outcome was delivered successfully during the year. Where the output or outcome was not achieved, the Report includes a brief explanatory commentary.

The third section of the Report includes a Corporate Performance Summary using a thematic structure covering: safeguarding; environment and transport; housing; education; and leisure and culture. This section also includes details of the previous year's performance (where available) for each of the indicators, together with a trend analysis and a comparison of 2011-12 performance with the Welsh average.

As part of the Council's commitment to bring itself 'closer to the community' the fourth section of the Report sets out progress in meeting specific improvements across its six community areas. The improvements set for each community area reflect the local priorities agreed during the consultation on the Corporate Plan. The analysis of progress on the community improvements is largely descriptive, such as the section on work in improving the Rhyl Harbour area, and it is not always clear how residents have directly benefited.

The final section of the report summarises the Council's performance against its chosen 19 national indicators, and an outline of its performance management framework. The 19 national indicators are assessed by the Council to be the most suitable basket of indicators by which to judge if it is a 'high performing Council' but a summary which includes all of the 41 national indicators would give a clearer and more comprehensive assessment of progress.

**There is scope to adhere more closely to Welsh Government guidance by improving the quality of some measures and evidence the Council uses to judge improvement**

Each Improvement Objective is supported by a series of activities and measures that are managed and delivered by the appropriate service area and monitored throughout the year as part of the Council's performance management framework. Importantly, the Council has introduced key internal processes within this system to both challenge and manage improvement.

We found that the Performance Report is clearly presented and easy to read and uses a consistent reporting structure to evaluate and report performance for each of the Improvement Objectives. Improvement Objectives are cross cutting and recognise and promote integration across services and departments to effectively deliver the intended improvement. The Report includes some comments on areas where progress in delivering actions has been slow, or performance has fallen. For example, with regard to the indicator for the risk management of adult protection referrals, the Council notes that performance has declined, and outlines why this has happened.

We identified a number of aspects in which the Report does not adhere as well as it might to Welsh Government guidance. In particular:

- The Report does not provide a rounded summary of progress against aspects of some Improvement Objectives. For example, it is a key Welsh Government priority that all social housing should comply with the Welsh Housing Quality Standard (WHQS). The Council has reported WHQS performance through the various structures of its performance management framework, but this information is not included in the Performance Report. The proportion of Council-managed social rented homes that met the WHQS has increased to 86 per cent in 2012 but nowhere does the Report note that the Welsh Government target is for all homes to meet the WHQS by March 2013. The latest estimate indicates that the target will not be achieved in Denbighshire until the end of 2013.
- In some of the Improvement Objectives the focus of activity is very narrow and does not allow for a rounded assessment of progress. For instance, the regeneration Improvement Objective Outcome on sustainable economic growth is narrowly focussed on three indicators, and a further three performance measures. No additional measures or actions have been included, for example, on either sustainability or quality of accommodation. These are equally as important as existing indicators on house prices, and the absence of this information presents only a partial picture of how well the Council is performing in this area.

- There is also only very limited reference in the Report to the status and outcomes of the Council's current regional and sub-regional collaborative projects. There is no reference in particular to recent performance difficulties with the Highways collaboration project with Conwy County Borough Council and the implications for Denbighshire of the reported overspend in 2011-12 on the Conwy Home School Transport budget, which has been the subject of a recent joint report by Conwy and Denbighshire's Internal Audit service.

### **Corporate arrangements for co-ordinating and reporting performance support reliable self-evaluation**

My Annual Improvement Report (January 2012) concluded that the Council's performance management arrangements were soundly based and developing satisfactorily with clear and effective leadership by senior officers and councillors. This continues to be the case. The performance scrutiny committee and the twice-yearly service challenges receive performance information of consistent quality and in an easily understood format. In addition to the service challenge the Council's Cabinet reviews performance on a quarterly basis. There remains scope to improve the quality of questions asked by some committee members at service challenges to ensure a more consistent focus on the right issues.

We found that the Council has created a strong central policy team that oversees, co-ordinates, and actively manages performance. This has enabled the Council to implement a well-understood and consistent system for performance management. Staff within services acknowledge that they are responsible for their performance and understand how their work relates to delivering the Council's Improvement Objectives and corporate priorities.

In June 2012, we reported the results of our audit of the accuracy of a sample of the Council's performance indicators. Though our sample was smaller this year than in the past, the results were satisfactory and we qualified none of the Council's performance indicators.

There are examples of strong self-evaluation within individual services. The Care and Social Services Inspectorate Wales (the CSSIW) has concluded that the Director's report<sup>1</sup>, demonstrated that clear leadership and performance management arrangements are in place and the Director's report gives a comprehensive and detailed explanation of the past year, setting the local context with a clear account of the achievements and challenges Social Services has faced and continues to face. It makes reference to the Council's achievements and future plans, and acknowledges areas where performance still needs to improve, or where service developments have not yet been achieved. The report also explains why changes that may not be immediately popular are being made, and provides an opportunity for readers of the report to provide feedback. The Council has provided the CSSIW with detailed position statements for adult and children's services plus supporting evidence.

### Further proposals for improvement

We make some new proposals for improvement in this letter. We will continue, as necessary, to monitor and report on the progress made by the Council in implementing the proposals set out in my previous reports and letters.

#### Proposals for improvement

- |    |                                                                                                                             |
|----|-----------------------------------------------------------------------------------------------------------------------------|
| P1 | Provide a wider evidence base of information to enable the Council to assess whether it has met its Improvement Objectives. |
| P2 | Include more information on the status and outcomes of the Council's collaborative projects.                                |

Yours sincerely



Huw Vaughan Thomas  
Auditor General for Wales

Cc Carl Sargeant, Minister for Local Government and Communities

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<sup>1</sup> An annual review of a Council Social Services performance undertaken by the CSSIW which includes an assessment of a Council's self-evaluation of its performance (often called the 'Directors report'). The CSSIW provides an overall evaluation of performance and identifies areas of progress and areas for development.

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**Report To:** Corporate Governance Committee

**Date of Meeting:** 27<sup>th</sup> February 2013

**Lead Member / Officer:** Head of Legal and Democratic Services

**Report Author:** Head of Legal and Democratic Services

**Title:** Role of Champions

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## **1. What is the report about?**

- 1.1 This report sets out the different roles that have been suggested by Members to be undertaken by Member Champions.

## **2. What is the reason for making this report?**

- 2.1 To seek the Committee's views and recommendations regarding the various Champion roles that have been suggested and the process by which Members should be appointed to any recommended roles.

## **3. What are the Recommendations?**

- 3.1 That the Committee considers what additional, if any, Champion roles should be recommended to Full Council, the method by which such Champions should be appointed and the role descriptions that should be applied to those roles.

## **4. Report details**

- 4.1 The role of Champions in this Council has evolved from the appointment of an 'Older People's Champion' which was as a result of guidance issued by the Welsh Government that every local authority in Wales should have such a champion.

- 4.2 The Council's Constitution currently identifies four Champion roles. These are:

Older People's Champion  
Homelessness Champion  
Carers' Champion  
Learning Disabilities Champion

- 4.3 At its meeting on 6<sup>th</sup> November 2012 Council resolved that the four Champions set out in 4.2 above should be appointed at the Council meeting on 4<sup>th</sup> December 2012 and adopted role descriptions for these Champions. These role descriptions are set out in Appendix 1.

4.4 Council further resolved that the Corporate Governance Committee should be asked to consider whether there was merit in appointing Champions for other interests identified by members and provide clarification of these roles if recommended as suitable for adoption.

4.5 The other interests suggested by Members at the Council meeting on 6<sup>th</sup> November were as follows:

Young Persons' Champion  
Young Carers' Champion  
Scrutiny Champion

4.6 In addition, the Council endorsed the Armed Forces Community Covenant in September 2012. During the debate on this matter it was suggested that consideration of an Armed Forces Champion be part of the review of Champions generally.

4.7 The Council has recently also received a letter from the WLGA spokesperson for Welfare Reform and Poverty asking that authorities consider appointing Poverty Champions.

4.8 A survey of other local authorities in Wales has revealed that there is a wide variation in how Champions are appointed and the areas of interest that they champion. In at least one authority, there are no champions.

4.9 The responses received from other Councils in respect of their Champions are set out in a table as Appendix 2 to this report.

4.10 The one consistent role in respect of which champions have been appointed across Wales is that of an Older People's Champion. In some authorities this may have a slightly different title and is sometimes part of a wider champion brief. Other common champion roles relate to Carers, Disability, Member Development, Children and Scrutiny.

4.11 As set out in 4.2 above the Council has already appointed a Champion for Carers and has a Learning Disability Champion.

4.12 The Council does not have a Scrutiny Champion appointed by Council. There has been a Scrutiny Champion in the past which has been a role to which the Chairs and Vice-Chairs of Scrutiny have appointed one of their number. This is consistent with the practice of other Councils. There is a Scrutiny Champions Network which exchanges information and ideas about Scrutiny.

4.13 Many Councils consider that the role of Champion is unnecessary where there is a Lead Member with responsibility for a certain area. In these authorities Champions are only appointed where there is no clear Lead Member responsibility or there is a clear cross cutting theme.

4.14 Members should take into account in considering these roles whether there is already a clear role in respect of these issues contained within Lead Member Portfolios. A copy of the Lead Member Portfolios are attached as Appendix 3 to the report.

4.15 At its meeting on 6<sup>th</sup> November 2012 Council approved role descriptions for the four identified Champion roles. These are attached as Appendix 1. These role descriptions seek to provide clarity and consistency as to the role of Champions in Denbighshire. It is suggested that any new roles should have similar descriptions. Members may also wish to consider whether Champions should be required, once appointed, to set out their priority activities as Champions and report back, perhaps on an annual basis, to a committee or other member forum on their progress during the year.

4.16 There is also variety in the way in which Champions are appointed. In some authorities, Champions are appointed by the Executive, or in some cases the Leader. In other authorities Champions are appointed by Council. The Champions currently identified in this Council's Constitution as set out in paragraph 4.2 above are appointed by Council. Members are asked to consider whether this is the most appropriate method of appointing further Champions.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 The existing Champion roles contribute to the priorities regarding vulnerable people and access to good quality housing.

## **6. What will it cost and how will it affect other services?**

6.1 There are no direct costs associated with this report.

## **7. What consultations have been carried out?**

7.1 Group Leaders were consulted and were in favour of appointing the four Champion roles approved by Council in November 2012. All Members have been given an opportunity to suggest other champion roles. Other Welsh authorities have been surveyed as to their Champions.

7.2 SLT were consulted on the role of Champions and expressed concern that there is the possibility of confusion and/or duplication between the roles of Champions and Lead Members where the issue to be championed falls within the remit of an individual Lead Member.

## **8. Chief Finance Officer Statement**

8.1 There are no additional costs directly associated with this report.

## **9. What risks are there and is there anything we can do to reduce them?**

9.1 There are no identified risks.

## **10. Power to make the Decision**

10.1 Section 2 Local Government Act 2000.

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**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

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                   |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Carmarthenshire   | <p>Leader<br/>Deputy Leader (Housing)<br/>Deputy Leader (Community &amp; Rural Affairs)<br/><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>                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                   |

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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>                                                                                                                                                                                                                                                                                                                                                                                                  |

**Report To:** Corporate Governance Committee

**Date of Meeting:** 27 February 2013

**Report Author:** Head of Internal Audit Services

**Title:** Internal Audit Progress Report

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## **1. What is the report about?**

This report updates the Committee on the latest progress of the Internal Audit service in terms of its service delivery, assurance provision, reviews completed, performance and effectiveness in driving improvement.

## **2. What is the reason for making this report?**

To bring Members up to date regarding:

- delivery of our Operational Plan for 2012/13
- recent Internal Audit reports issued
- management's response to issues we have raised, in particular our follow up review of Strategic Human Resources (HR)
- Internal Audit's performance

## **3. What are the Recommendations?**

- Committee considers and comments on Internal Audit's progress and performance to date in 2012/13
- Committee considers and comments on recent Internal Audit reports issued
- Committee considers the follow up report on Strategic HR and decides what further action and monitoring arrangements it requires on the outstanding improvement actions

## **4. Internal Audit Progress**

### ***Delivery of the Internal Audit Operational Plan 2012/13***

- 4.1. Appendix 1 provides a breakdown of our work during 2012/13, compared to the revised Internal Audit Strategy. It includes assurance scores and number of issues raised for the completed reviews, definitions used to form our audit assurance and the ratings used to assess the risk-levels for issues raised.

## Summary of Recent Internal Audit Reports

4.2. Our reports use colours for assurance ratings as follows:

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

4.3. Since my report in January 2013, we have issued the following reports.

| Audit Report                                            | Audit Opinion | Issues Raised       |                    |                        | Comments                                                                                                 |
|---------------------------------------------------------|---------------|---------------------|--------------------|------------------------|----------------------------------------------------------------------------------------------------------|
|                                                         |               | Critical Risk (Red) | Major Risk (Amber) | Moderate Risk (Yellow) |                                                                                                          |
| High inherent risk from Corporate Risk Register - DCC04 | <b>Green</b>  | 0                   | 0                  | 0                      | The risk that we are unable to develop the staff and management capability to deliver the change agenda. |
| High inherent risk from Corporate Risk Register - DCC09 | <b>Green</b>  | 0                   | 0                  | 0                      | The risk that strategic ICT infrastructure does not enable improvement and support change.               |
| Administration of the Trade Waste Service               | <b>Yellow</b> | 0                   | 0                  | 5                      |                                                                                                          |
| Carbon Reduction Commitment                             | <b>Yellow</b> | 0                   | 0                  | 4                      |                                                                                                          |
| Fire Risk Assessments                                   | <b>Amber</b>  | 0                   | 2                  | 1                      | Escalation Meeting with Corporate Director & Lead Member held 16 January 2013                            |
| Pavilion Theatre, Rhyl                                  | <b>Amber</b>  | 3                   | 2                  | 8                      | Escalation Meeting with Corporate Director & Lead Member held 21 November 2012                           |
| Council Housing Responsive & Void Repairs               | <b>Red</b>    | 2                   | 9                  | 8                      | Escalation Meeting with Lead Member held 5 February 2013                                                 |

### Management's response to issues raised by Internal Audit

- 4.4. Most of our Internal Audit reports identify risks and control weaknesses. We rate these as critical, major or moderate risk. Management agrees actions to address the risks, including responsibilities and timescales.
- 4.5. We report all instances where management fails to respond to our follow up work or where they exceed the agreed implementation date by more than three months. This Committee decides whether it needs to take further action, for example, by calling the relevant people to its next meeting or asking for a written report to explain lack of progress.
- 4.6. We issued our follow up report on Strategic HR on 13 February 2013 (Appendix 2), still giving an Amber assurance rating due to the lack of progress in implementing the agreed action plan. The Action Plan raised

11 Issues/Risks that resulted in 45 specific actions with agreed responsibilities and actions. So far, only 17 actions have been fully implemented and revised implementation dates have been provided in many cases. Due to several actions being over 3 months overdue, the Head of Strategic HR has been asked to attend this Committee meeting to explain the lack of progress.

***Internal Audit Performance – Key Measures***

***Measure - Review 100% of agreed S151 Assurance areas in Operational Audit Plan by 31 March 2013 (6 projects)***

4.7. So far, we have completed 40% of the planned projects, with others to be completed before 31 March 2013.

***Measure - Review 100% of agreed Corporate Governance Assurance areas in Operational Audit Plan by 31 March 2013 (3 projects)***

4.8. Work is on-going on the Corporate Governance Framework throughout the year. We have completed a project on Performance Management and will review risk management before 31 March 2013.

***Measure - Review 100% of High Inherent Risks from the Corporate Risk Register by 31 March 2013 (6 projects)***

4.9. We have completed 83% of the planned projects, with work nearly completed in the remaining project.

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## 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>  |                |                 |                        |                     |                        |          |

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

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# **Internal Audit Follow Up**

## **Strategic Human Resources**

February 2013



Samantha Davies 01824 706982  
[samantha.davies@denbighshire.gov.uk](mailto:samantha.davies@denbighshire.gov.uk)

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.

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## 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                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 57<br>1.   | 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>                                                                                                               | 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. | In light of increasing budgetary pressures, it would be beneficial for managers to forecast further in advance the future employees required. |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Work has been undertaken with Finance and ICT to combine financial information with HR reports.</p> <p><b>Business Partners - Completed</b></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.                                                                                                                                                                                               |                                                                                                                                               |
| 3.                    | 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>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>                                                                                                                                                   | The HR Business Partner confirmed that monitoring of employee relation reports, settlements, and claims are carried out monthly with heads of services.                                                                                                                                                                                                                     | n/a                                                                                                                                           |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>This will be subject to the Systems Thinking Review commencing 17/08/12.</p> <p><b>HR Services Manager December 2012</b></p>                                                                                                                                                                                                                                                        | The HIA facilitated a process review in August 2012.                                                                                                                                                                                                                                                                                                                        | Implement the outcomes of the process review<br><b>Revised Completion Date: October 2013</b>                                                  |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <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> | The quality assurance framework has not yet been implemented.                                                                                                                                                                                                                                                                                                               | Implement a quality assurance framework.<br><b>Revised Completion Date: June 2013</b>                                                         |

| Risk/<br>Issue<br>No. | Risk/Issue                                                                                                                                                                                                                                                                                                                                                                        | Action Agreed<br>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>                                                                                                                                                                                         |

| 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                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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> | The HIA facilitated a process review in August 2012.                                                                                                                                                                                                                             | Implement the outcomes of the process review<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>                                                                                    |                                                                                                                                                                                                                                                                                  |                                                                                                  |



| 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> | n/a                                                                                                      |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <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 |

**Report To:** Corporate Governance Committee

**Date of Meeting:** 27 February 2013

**Report Author:** Head of Internal Audit Services

**Title:** Corporate Governance Framework Action Plan

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## **1. What is the report about?**

This report provides the Committee with the latest action plan and progress update resulting from the review of the Council's governance framework and the Annual Governance Statement 2011/12.

## **2. What is the reason for making this report?**

Corporate Governance Committee monitors the Corporate Governance Framework Action plan on a regular basis as part of the Council's overall governance arrangements.

## **3. What are the Recommendations?**

Committee considers and comments on progress in managing the actions in the Corporate Governance Framework Action Plan.

## **4. Background**

- 4.1. The Council's Corporate Governance Framework includes an annual assessment of the Council's governance arrangements and an Annual Governance Statement that highlights any significant governance weaknesses. The Framework also highlights further areas that, while not being significant weaknesses, still need improvement.
- 4.2. The Governance Group has developed an action plan (Appendix 1) arising from the latest review of governance arrangements. The action plan is flexible and may need to be added to as issues arise during the year, as we monitor governance arrangements throughout the year rather than a one-off process at year-end.

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## 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                    |

**Report To:** Corporate Governance Committee

**Date of Meeting:** 27<sup>th</sup> February 2013

**Lead Member / Officer:** Alan Smith, Head of Business Planning & Performance

**Report Author:** Lisa Jones, Deputy Monitoring Officer.

**Title:** Information Legislation Policies

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**1. What is the report about?**

To provide the Corporate Governance Committee with the draft reviewed Freedom of Information and Data Protection Policies.

**2. What is the reason for making this report?**

The Council was subject to a Wales Audit Office report in relation to its Information Management governance. More recently in 2012 in relation to Data Protection, Freedom of Information and access to Environmental Information, by the Council's internal Audit team. One of the recommendations emanating from both reports was that the Council can improve its policies in this area.

**3. What are the Recommendations?**

That the Corporate Governance Committee:-

- (1) Note the contents of both policies.
- (2) Provide Officers with the Committee's views on the contents of the Policies and their fitness for purpose.

**4. Report details.**

The aim of the revised policies is to provide a clear policy statement, where this is possible, in relation to Freedom of Information and Data Protection, acknowledged at the highest level by the 'Personal Information Promise'. The policies go further than pure policy however, and provide a procedural guide to officers, members and the public on the Councils handling of requests for information and the processing of personal data.

Officers involved in drafting the policies had considered having one overarching policy; however, the two regimes to some extent pull in opposite directions. One is a measure to safeguard personal privacy; the other is designed to secure open access to information. They do overlap in parts, for example, some personal information of public facing figures such as elected members or senior executives is disclosed.

This interface between the two areas of law is a thread that flows through both policies, however their application is easier to understand in separate policies.

The implications of breaching this area of the law are significant; not only in relation to the public's confidence in this Council and how it processes personal information, but also the heavy fines (maximum of £500,000 in serious cases) that the Information Commissioner now has power to hand down.

A parallel regime to Freedom of Information is the Environmental Information Regulations 2004 and the revision of that policy will not be concluded until later in the year, due in part to litigation that is in progress surrounding access to land charges information and a group action that is being brought by personal search companies against the majority of local authorities in England and Wales.

As part of the strategy to improve our information management and move towards greater electronic records management and streamlined data flows, members will note from perusal of the policies, the role of the Corporate Information Management Team.

The revised policies appended to this report, also take into consideration the existence and value of the recently formalised Access to Information Exemptions Panel. This Panel now has the delegated authority to make decisions on whether an Exemption from disclosure is appropriate, rather than leaving such decisions to individual officers within the Council. This decision making is made with the support of at least one legally qualified officer. The starting point will always be open government, unless there is a very good reason not to disclose information requested. This reflects the legal approach in the legislation and provides consistency and proportionality to decision making. The Panel received full council approval in April 2012 as part of the review of the Constitution.

Open government is good government and the traditional culture of unnecessary secrecy is starting to erode at a local and central government level. It is essential therefore that we have robust processes in place that facilitate this, whilst respecting personal privacy rights.

#### **5. How does the decision contribute to the Corporate Priorities?**

Improved practices and governance will contribute to the priority of becoming a high performing Council.

Weaknesses in the Council's approach to Information Management is currently a risk on the Corporate Risk Register.

#### **6. What will it cost and how will it affect other services?**

There are no implications on other services as a result of this report.

Those services that process sensitive personal data will benefit from further specialist support, expertise and training in order to ensure they comply with their obligations to our customers.

**7. What consultations have been carried out?**

Consultation has taken place with the following:

The Information Management Officers within each service/area.  
The Corporate Information Management team.  
CET  
Internal Audit

Following Corporate Governance Committee, it is intended the two draft policies will be placed on the Council intranet for wider consultation, in advance of Full Council considering the policy statements for adoption.

**8. Chief Finance Officer Statement**

Not required.

**9. What risks are there and is there anything we can do to reduce them?**

There is a greater risk in not improving our practices in this area.

**10. Power to make the Decision**

Local Government Act 1972.  
Freedom of Information Act 2000  
Data Protection Act 1998

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## **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

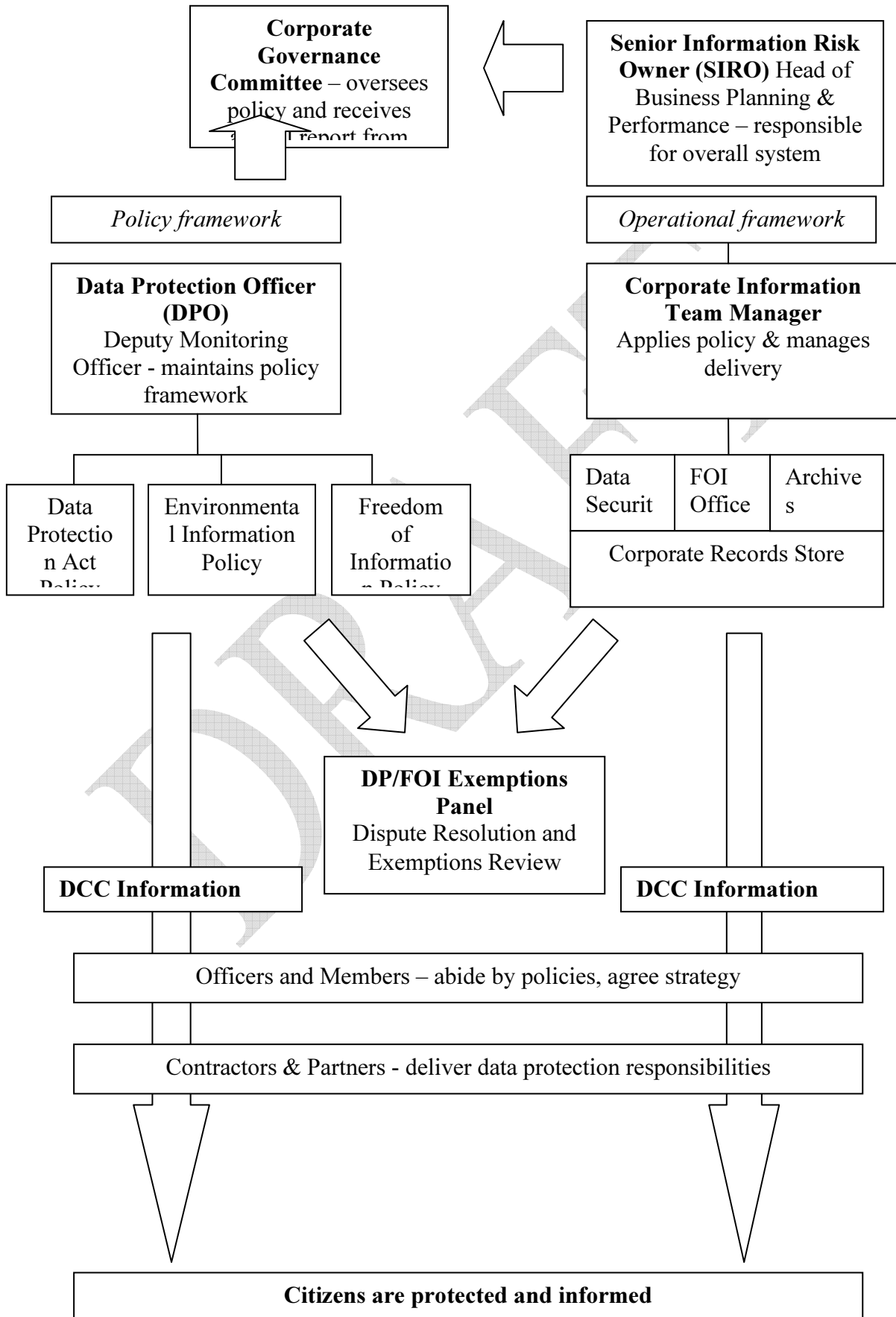
6. Personal information must be processed in line with the data subjects' rights

**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)

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## CORPORATE GOVERNANCE COMMITTEE: FORWARD WORK PROGRAMME

| DATE OF MEETING | REPORT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | AUTHOR                                                                                                                                                                                                                                                                                                     |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 April 2013   | <p><b>Committee Training Session – Treasury Management</b></p> <p><b>Standing Items</b></p> <p>Issues Referred by Scrutiny Committees<br/>Internal Audit Progress Report<br/>Recent External Regulatory Reports Received</p> <p><b>Reports</b></p> <p>Constitutional Issues (to include access to electronic voting records)<br/>Review of the Constitution<br/>Corporate Governance Framework Action Plan<br/>Internal Audit Strategy 2013/14<br/>Member Training for Planning Committee</p> | <p><b>Richard Weigh</b></p> <p>Scrutiny Coordinator<br/>Head of Internal Audit<br/>Corporate Improvement Manager</p> <p>Head of Legal &amp; Democratic Services<br/>Head of Legal &amp; Democratic Services<br/>Head of Internal Audit<br/>Head of Internal Audit<br/>Development Control Manager (PM)</p> |
| 22 May 2013     | <p><b>Standing Items</b></p> <p>Issues Referred by Scrutiny Committees<br/>Recent External Regulatory Reports Received<br/>Internal Audit Progress Report</p> <p><b>Reports</b></p> <p>Draft Annual Governance Statement 2012/13<br/>Internal Audit Annual Report 2012/13</p>                                                                                                                                                                                                                 | <p>Scrutiny Coordinator<br/>Corporate Improvement Manager<br/>Head of Internal Audit Services</p> <p>Head of Internal Audit<br/>Head of Internal Audit</p>                                                                                                                                                 |

NB The exact date of publication of occasional reports by for example Wales Audit Office or Annual Reports by the Ombudsman are not presently known. They will be assigned a meeting date as soon as practicable.

**Updated 8/2/2013KEJ**