

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Standards and Audit Committee

The meeting will be held at **7.00 pm** on **29 September 2016**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors John Kent (Chair), Graham Hamilton (Vice-Chair), Jack Duffin, Barbara Rice, Ben Maney and Terry Piccolo

Jason Oliver, Co-Opted Member
Rhona Long, Co-Opted Member
Stephen Rosser, Co-Opted Member

Substitutes:

Councillors Tunde Ojetola, Gary Collins and Luke Spillman

Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Standards and Audit Committee meeting held on 14 June 2016.	
3 Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
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Queries regarding this Agenda or notification of apologies:

Please contact Jessica Feeney, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **21 September 2016**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Standards and Audit Committee held on 14 June 2016 at 7.00 pm

Present: Councillors John Kent (Chair), Jack Duffin, Graham Hamilton and Barbara Rice

Apologies: Councillors Ben Maney

In attendance: Sean Clark, Director of Finance & IT
Gary Clifford, Client Manager for Audit Services
Lee Henley, Information Manager
Andy Owen, Corporate Risk Officer
Chris Pickering, Principal Solicitor - Employment & Litigation
Jessica Feeney, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

1. Minutes

The minutes of the Standards and Audit Committee held on the 15 March 2016 were approved as a correct record.

2. Items of Urgent Business

There were no items of urgent business.

3. Declaration of Interests

There were no declarations of interest.

4. Terms of Reference

Members of the Committee noted the Terms of Reference.

5. Refresh of the Strategic/Corporate Risk and Opportunity Register

The Corporate Risk Officer introduced the report and informed Members that one of the functions of the Committee under its Terms of Reference was to provide independent assurance that the Council's risk management arrangements were adequate and effective. It was explained that the report enabled the Committee to consider the effectiveness of the risk management arrangements. Members were informed that the report was presented on a bi-annual basis to provide details of how the key risks and opportunities facing the council are identified and managed.

It was further explained that the Corporate Risk Officer had worked with Services, Department Management Teams, Performance Board and Directors Board to refresh the Strategic Corporate Risk and Opportunity Register.

Members discussed the changes to the General Data Protection Regulation (GDPR) which were to be implemented in 2018. The Chair of the Committee questioned how the risk would be captured in the risk and opportunity register. The Corporate Risk Officer explained that this would be captured in the quarterly reviews which were held with service directorates.

Members felt that changes to the General Data Protection Regulation was a corporate risk and requested that the relevant Overview and Scrutiny Committee scrutinised the roll out of the regulation changes.

RESOLVED:

- 1. That the Standards and Audit Committee noted the items and details contained in the Dashboard (Appendix 1)**
 - 2. That the Standards and Audit Committee noted the 'In Focus' report (Appendix 2), which includes the items identified by Corporate Risk Management, Performance Board and Directors Board that Standards and Audit Committee should focus on this quarter.**
 - 3. The Standards and Audit Committee requested that the relevant Overview and Scrutiny Committee scrutinised the roll out of the data protection regulation changes.**
- 6. Regulation of Investigatory Powers Act (RIPA) 2000 - 2015/16 Activity Report**

The Information Manager introduced the report to Members explaining the usage and activity of RIPA requests during 2015/16.

Members were informed that following an inspection back in November 2013 by the OSC, the Inspector expressed a preference that RIPA Activity Reports are brought to Members on a quarterly basis. However due to the low numbers of RIPA Activity the OSC confirmed that reporting to Members can take place on a six monthly basis.

The Chair of the Committee asked for clarification on what type of cases RIPA was used on. The Information Manager explained that RIPA legislates for the use of local authorities' covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to an authority's core functions. An example of a RIPA given to the committee was trading standards and the detection of underage sales in off licences.

Jason Oliver requested that the next RIPA report was presented along with the Counter Fraud update report in November. All Members agreed that this would enable a greater understanding.

Councillor Rice questioned who authorised RIPAs. Members were informed that the Director of Finance, the Monitoring Officer and the Head of Public Protection authorised RIPA activity before its final authorisation at the magistrate's court. The Director of Finance and IT explained that when authorising the RIPA activity Thurrock must demonstrate that it is proportional and correct to do so.

RESOLVED:

That the Committee

1. **Noted the statistical information relating to the use of RIPA for 2015/16.**
2. **Noted training activity undertaken during 2015/16.**
3. **Noted that following on from a review of the RIPA policy by our Legal Services Department, no significant changes to this RIPA policy are required.**
4. **Noted that due to the low numbers of RIPA Activity, the frequency of reporting to Committee may change following consultation with the Office of the Surveillance Commissioner (OSC).**

7. Financial Statements and Annual Governance Statement Update

The Director of Finance and IT introduced the report explaining that the council had maintained the general fund balance at £8m in 2015/16 it was added that the Council had funded the financial pressures arising from the termination of the contract with the strategic services partner and the over spends in Children's Services from useable reserves.

Members were informed that in 2014/15 there was one uncorrected items relating a capital invoice received after the year-end which should have been reflected in 2015/16. While this was not material to the Council this has been accounted for in 2015/16 and forms part of the fixed assets of the Council.

Members of the Committee commended the Officers on their work.

RESOLVED:

That Members noted the Draft Annual Governance Statement and Financial Statements which were in the process of being completed in advance of the statutory deadlines in place.

8. Head of Internal Audit Annual Report - Year ended 31 March 2016

Members were informed that Under the Public Sector Internal Audit Standards, the Head of Internal is required to provide the Section 151 Officer and the Standards and Audit Committee with an opinion on the adequacy and effectiveness of the organisation's governance, risk management and control arrangements. In giving this opinion it should be noted that assurance can never be absolute. The most that the internal audit service can provide is a reasonable assurance that there are no major weaknesses in the risk management, governance and control processes.

In total 24 reports with a positive assurance opinion and 4 reports with an Amber/Red assurance opinion were issued. The overall opinion on controls remains Green.

Following discussions with members and the Director of Finance & IT, Amber/Red assurance opinions are no longer given a positive assurance opinion to reflect that there are either high risk recommendations or a number of medium recommendations which indicate weaknesses across the service area.

Councillor Rice questioned what determined the assurance ratings. The Head of Internal Audit explained that to determine the assurance ratings meetings were held with service directors to discuss the risks, the internal audit team then focus on them risks depending on recommendation. The results are then discussed and challenged with external Audit, if there is found confidence the risk is changed slightly.

Councillor Collins questioned the work which was carried out around consultants and the termination of two contractors due to the rolling nature of their employment. The Director of Finance and IT informed members that when a consultant moved from one project to another within the same directorate, without any competitive procurement process being undertaken they were terminated.

Members discussed procurement cards. Members were informed that Internal Audit acted as a facilitator to set up a working group involving Corporate Finance and Procurement, to review the processes around the administration and use of the cards, with input around controls from Internal Audit. Councillor Hamilton asked for Clarification on the new system being developed. The Committee were enlightened that a new system was currently being developed which will enhance the controls, improve the administration and monitoring processes and will add additional safeguards around the application process and lockdown the use of the cards based on business need.

The Chair of Committee queried if the new system would detect purchases made to a company which was not listed as a supplier within the policy. It was questioned further by Councillor Rice if it would be perceived as misuse if an employee purchased the same item from a different supplier due to the reduction in cost. The Director of Finance and IT explained that the system would detect these types of purchases although members were informed that the wording of the contract would be checked.

Members requested a follow up report at the September Standards and Audit Committee on the outstanding recommendations to be implemented.

RESOLVED:

That the Standards & Audit Committee considers and comments on the Head of Internal Audit Annual Report – Year ended 31st March 2016.

9. Internal Audit Progress Report 2015/16

The Internal Audit Plan 2015/16 was discussed by the Standards and Audit Committee at their meeting of 8th July 2015. This report was the final progress report for 2015/16. It detailed audit reviews issued as final since the last progress report presented to the Committee on the 15th March 2016.

RESOLVED:

That the Standard and Audit Committee considered reports issued by internal audit in relation to the 2015/16 audit plan.

10. Work Programme

Members were informed new items had been added to the work programme and that following the Committee the updated work programme would be circulated to Members.

The meeting finished at 8.07 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

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29 September 2016	ITEM: 5
Standards and Audit Committee	
2015/16 Access to Records Report	
Wards and communities affected: All	Key Decision: Non key
Report of: Lee Henley – Information Manager	
Accountable Head of Service: Jackie Hinchliffe – Director of HR,OD & Transformation	
Accountable Director: Jackie Hinchliffe – Director of HR,OD & Transformation	
This report is: Public	

Executive Summary

- During 2015/16, the council processed 98% of Freedom of Information (FOI) requests within the legal timeframe. This is based on 980 FOI requests that were processed.
- The reporting period shows a significant increase in FOI requests received compared with 2014/15. The reason for this increase is that during 2014/15 a number of requests were not recorded as FOI requests and were processed as routine enquiries by service areas. However all requests were recorded as FOI for 2015/16, as the 2014/15 approach resulted in a number of requests not being responded to by services which could have exposed the council to enforcement action by the Information Commissioners Office.
- Based on data captured within the FOI database, it has been estimated that the average FOI request takes 2 hours 45 minutes to process.
- The council challenge and/or refuse requests when it is believed that the requestor has used a false name, where we have reasonable grounds to believe the applicant is acting as part of a campaign or in consort with others, or where their questions do not meet the other validity requirements for FOI.
- The council refuse requests where it is estimated that the time taken to process the request exceeds 18 hours. During 2015/16, 41 requests were refused in full due to the 18 hour threshold (and 13 were part refused).
- During 2015/16 the council received 43 Subject Access Requests under the Data Protection legislation. 93% of these requests were processed within timeframe. This is a performance improvement compared with 2014/15.
- The Information Governance Team is continuing to ensure an increased amount of data is identified for routine publication online. This work forms part

of the Transparency Agenda and aims to increase openness and accountability; whilst reducing unnecessary processing of FOI requests.

1. Recommendation(s)

1.1 To note the performance and statistics for 2015/16 for both FOI and Data Protection.

2. Introduction and Background

2.1 Freedom of Information

2.1.1 FOI affects up to 100,000 public sector bodies and organisations in England, Wales and Northern Ireland, including central and local government, the police, NHS, schools, dentists, opticians and pharmacists. Anyone, from anywhere in the world, may make a request for information that is held by the council (they can be a person, business, or organisation). FOI requestors do not have to give reasons for seeking the information, and the council cannot make enquiries as to why information is being sought.

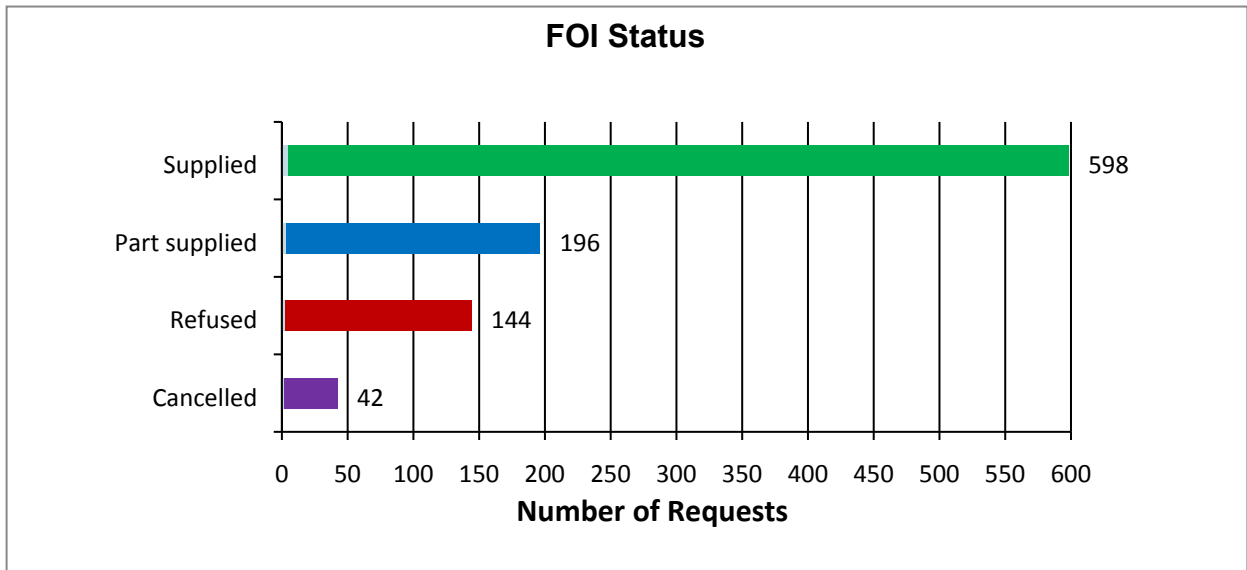
2.1.2 From 1 January 2005 the Freedom of Information (FOI) Act 2000 was fully implemented. This resulted in access to recorded information held by the council being made available, allowing anyone to submit a written request to see information about almost anything that is recorded.

2.1.3 On receipt of an FOI Request the council have 20 working days to process the request.

2.1.4 During 2015/16, 980 FOI requests were recorded on the council's FOI tracking system. The table below details year-on-year volume and performance data since the introduction of the FOI legislation:

Year	Number of Requests	% responded to in time
2004/2005	53	98%
2005/2006	275	99%
2006/2007	252	98%
2007/2008	225	97%
2008/2009	366	96%
2009/2010	512	99%
2010/2011	547	99%
2011/2012	599	97%
2012/2013	495	93% (would have been 98% if we exclude mailbox error)
2013/2014	662	98%
2014/2015	548	98%
2015/2016	980	98%

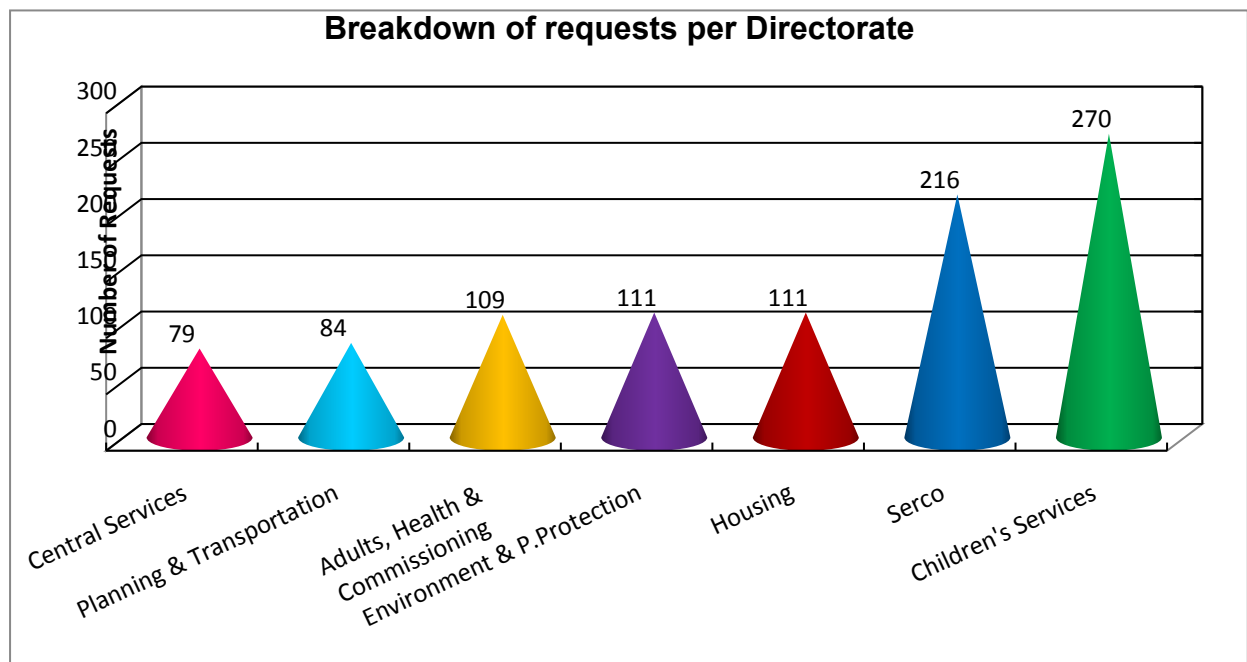
2.1.5 The chart below shows that of the 980 requests received in 2015/16, 598 (61%) were supplied with all information requested, 144 (15%) were refused, 196 (20%) were part supplied, 42 (4%) were cancelled.



2.1.6 The average number of days taken to answer a Freedom of Information request for 2015/2016 was 15 working days. During 2014/15 the average time taken was 14.5 working days.

2.1.7 Based on 980 requests processed within 2015/16 it has been estimated that the average FOI request takes 2 hours 45 minutes to process.

2.1.8 The chart below shows requests received per Directorate. This is based on the previous organisational structure as this structure was in place for the most part of 2015/16.



2.1.9 The chart below shows the type of exemptions and refusals that were applied (based on a total of 340 requests that were part supplied or refused). Some of

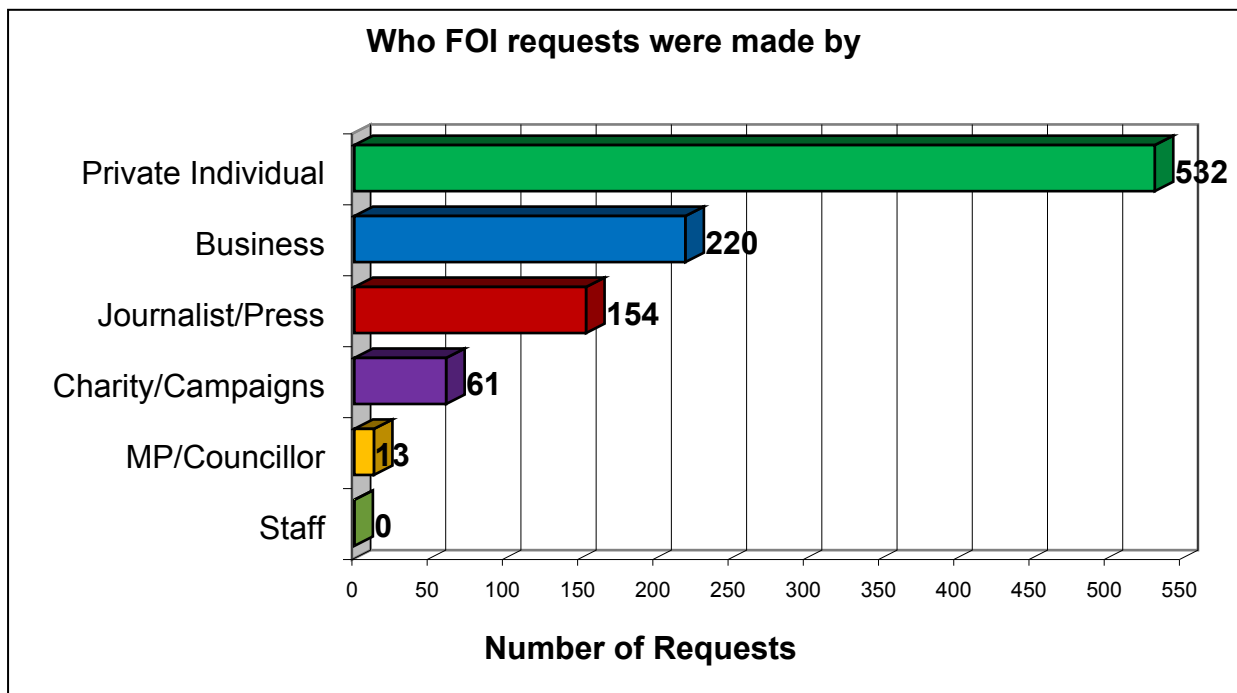
the exemptions allow the council to withhold information where disclosure would cause significant prejudice to the council's business at a particular time, and which is therefore not in the public interest to release. Please note the chart below does not balance back to 340, as more than one exemption can be relied upon per request.

2.1.10 The Information Governance Team maintains responsibility for making decisions on the application of Exemptions (to withhold information) under the Act. These are recorded and evidenced to support the approach taken, and to demonstrate how the Public Interest Test has been applied for Qualified Exemptions. This part of the process is vital to prevent and respond to complaints about FOI responses where data has been withheld, either partially or in full.

2.1.11 The Information Governance Team respond to complaints received regarding FOI and Environmental Information Regulations (EIR) requests. During 2015/16 there was 1 FOI complaint that was escalated to the Information Commissioner's Office (ICO). A summary of this complaint is detailed below:

- The council answered the FOI request in time but not to the requester's satisfaction. The requester requested an internal review which was rejected at the time as no exemptions were used. The requester went to the ICO who asked the council to be more specific in its response. The ICO were then of the view that the council had supplied a satisfactory reply. This request related to Civil Enforcement Officers.

2.1.12 The chart below identifies where FOI requests to the council originated from.



- 2.1.13 The council refuse requests where it is estimated that the time taken to process the request exceeds 18 hours. The first task our FOI co-ordinators undertake when requests are formally logged is to work with service areas to assess how long a request is likely to take. Any requests estimated to take in excess of 18 hours will be refused. Estimates must be justified and records kept supporting our decisions. During 2015/16, 41 requests were refused (in full) due to the 18 hour threshold.
- 2.1.14 If the council receives two or more related requests within a period of 60 consecutive working days (on the same/similar topic), from a person or different persons who appear to be acting in concert or in pursuance of a campaign, the costs of complying with the individual requests will be aggregated (for the purpose of refusing).
- 2.1.15 The Information Governance Team routinely populates completed FOI requests onto the council's website with the aim of reducing FOI requests received by the council.
- 2.1.16 A benchmarking exercise has been undertaken to compare performance and data on FOI with other Councils. The results of this are shown in Appendix 1 and a summary is provided below:
- Replies were received from 15 councils' (the request was sent to approximately 90 Councils/organisations in scope for FOI).
 - Performance is strong for the majority of Councils' who responded.

2.2 Data Protection

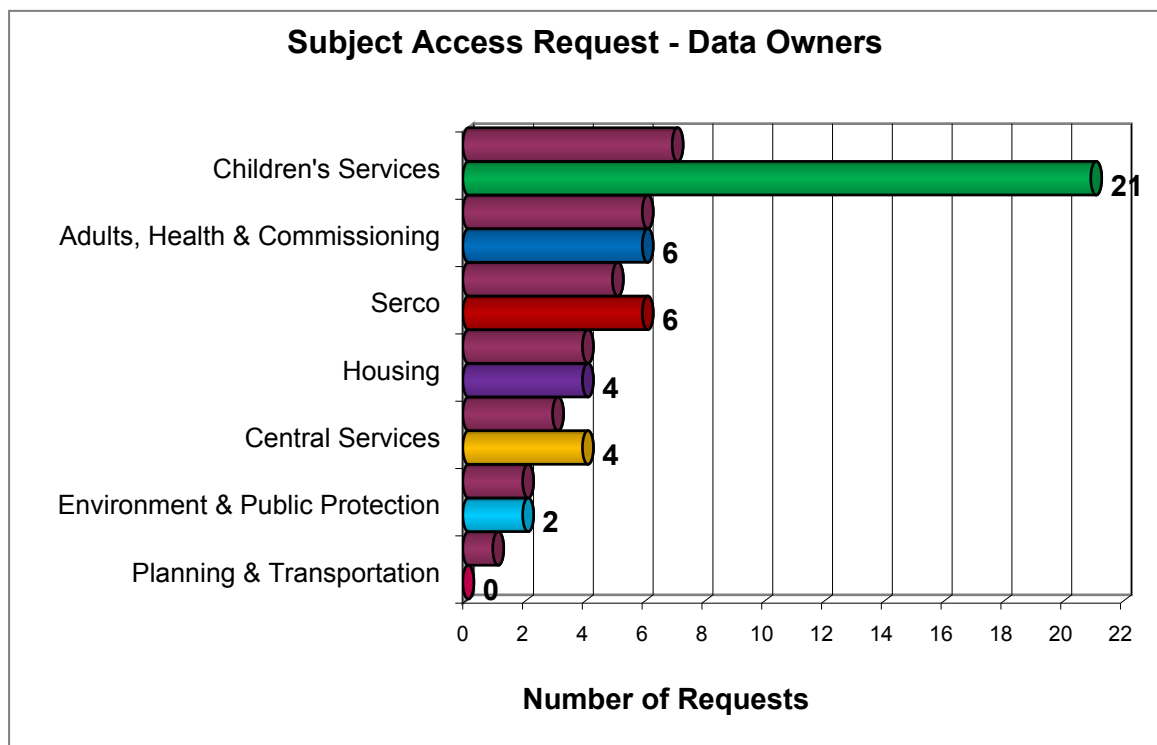
- 2.2.1 Principle 6 of the Data Protection Act states that personal information must be processed in accordance with the rights of data subjects. This can result in anybody making a request to the council about any information we hold on them and these are referred as Subject Access Requests (SAR). Requests range from very specific records (such as Council Tax, Benefits claim history or complex social care records) to a wide range of records (such as all information held by the Council).
- 2.2.2 When the SAR process is utilised, the council have 40 calendar days in which to complete the request. The timeframe is met at the point at which we have prepared all files for disclosure and have invited the applicant to collect their records from the council.
- 2.2.3 During 2015/16, the council received 43 requests where the fee was paid and the full SAR process implemented. Of the 43 requests, 93% of requests were processed within the statutory timeframe.
- 2.2.4 During 2015/16 the council received 1 Data Protection complaint from the ICO. This related to a concern raised that the council had not processed a request for a SAR from an individual. When looking into the complaint, it was

clear that the council had sent the SAR forms to the individual, however these forms were not returned to the council along with the required fee.

2.2.5 The table below shows volumes of requests and performance over a 5 year period. The ICO have also confirmed that in the future they are going to be implementing formal monitoring of council's response rates on data protection in terms of timeframes (at the moment this is only checked if complaints are made).

Year	Number of Requests	% responded to in time
2010/2011	32	97%
2011/2012	51	55%
2012/2013	25	80%
2013/2014	29	90%
2014/2015	21	71%
2015/2016	43	93%

2.2.6 The chart below shows where the data was owned (i.e. those departments holding data on the applicant) for the 43 requests. This is based on the previous organisational structure as this structure was in place for the most part of 2015/16 and it highlights that Children's Services received the most requests for 2015/16.



3. Issues, Options and Analysis of Options

3.1 There are no options associated with this paper.

4. Reasons for Recommendation

4.1 This report is for noting purposes. There are no recommendations requiring approval.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This report was sent to Performance Board and Directors Board.

6. Impact on corporate policies, priorities, performance and community impact

6.1.1 The council has an effective system and process in place for managing both FOI and Data Protection requests. Procedures are regularly reviewed in order to improve performance.

6.1.2 The council's ability to comply and process FOI and Data Protection requests within the requirements of the respective legislation demonstrates our commitment to openness and accountability. This will allow residents and customers to have a confidence in what we do and will help build trusting relationships.

6.1.3 Access to information can also be closely linked to our Customer Services and ICT Strategies.

6.1.4 Processing of FOI and Data Protection requests can identify where service improvements can be made, such as improving records management processes.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer

- The council can charge £10 to process a SAR under the Data Protection Act, however there is no charge under the Freedom of Information Act as the council refuse requests that exceed the cost threshold.
- Financial penalties for Data Protection breaches have increased to up to £500K and the Information Commissioners Office (ICO) have been given more powers to check for compliance.

7.2 Legal

Implications verified by: **David Lawson**

Deputy Head of Legal & Deputy Monitoring Officer

- FOI failure could result in regulatory intervention as the ICO are now starting to target poor performing councils for FOI which will lead to reputational damage.
- There are various avenues available to the Information Commissioner's Office to address an organisation's shortcomings in relation to the collection, use and storage of personal information. These avenues can include criminal prosecution, non-criminal enforcement and audit. The Information Commissioner also has the power to serve a monetary penalty notice on a data controller.
- The council must also comply with the Code of Practice issued under section 46 of the Freedom of Information Act 2000. The Information Commissioner may issue practice recommendations to an authority considered to be non-compliant with the Code specifying the steps that should be taken to ensure conformity. Failure to comply with such a recommendation could lead to an adverse report to Parliament in relation to the authority, by the Information Commissioner.
- The council must also be mindful of its duties under the Public Records Acts 1958 and 1967, the Local Government (Records) Act 1962, the Local Government Act 1972, the Local Government (Access to Information) Act 1985 and any other record-keeping or archives legislation.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**

Community Development and Equalities Manager

- There are significant diversity issues for the whole community regarding FOI and Data Protection. The successful implementation of FOI and Data Protection allows our customers, stakeholders, partners and the public to access and receive information.

7.4 Other implications

None

8. Background papers used in preparing the report

- None – Information has been obtained from the FOI and Data Protection databases/systems.

9. Appendices to the report

Appendix 1 - Benchmarking

Report Author:

Lee Henley

Information Manager

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Appendix 1 -Freedom of Information Benchmarking results 2015/2016

Council	Number of FOI requests received during 2014/15	Increase or Decrease from previous year	Number of FOI requests received during 2015/16	% that were replied to within 20 working days	The majority of the requests come from
Thurrock Council	548	+	980	97.8%	Individuals
Southampton City Council	1421	-	1354	89.9%	Individuals
West Berkshire Council	1291	-	1211	95.0%	Journalists
Bedford Borough Council	1505	+	1597	99.6%	Not recorded
Canterbury City Council	950	-	792	89.7%	Individuals
Basingstoke & Deane Borough Council	761	-	676	95.0%	Commercial
London Borough of Sutton	1309	-	1290	85.0%	Not recorded
Merton Council	1489	+	1500	84.5%	Individuals
Milton Keynes Council	1191	+	1196	88.0%	Not recorded
London Borough of Barnet	1840	+	1977	98.0%	Not recorded
Charnwood Borough Council	662	-	606	97.8%	Not recorded
London Borough of Havering			1795	88.0%	Individuals
Mansfield District Council			629	99.0%	Commercial
Leicester Council			949	96.0%	Not recorded
Eastbourne Borough Council			558	96.0%	Individuals
Wiltshire Council			1436	90.0%	Not recorded

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29 September 2016		ITEM: 6
Standards and Audit Committee		
Annual Complaints Report 2015/16		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Lee Henley – Information Manager		
Accountable Head of Service: Jackie Hinchliffe – Director of HR, OD & Transformation		
Accountable Director: Jackie Hinchliffe – Director of HR, OD & Transformation		
This report is: Public		

Executive Summary

Corporate complaints:

- A review of the complaints process has taken place and changes will take effect from August 2016. Changes include the removal of the concerns process and shorter complaint timeframes.
- A total of 1976 complaints have been received within the reporting period. For the same period last year this figure was 1616.
- A total of 2530 concerns have been received in the reporting period. For the same period last year this figure was 2486
- The combined total of complaints and concerns received for the reporting period is 4506. The combined total for 2014/15 was 4102.
- Some services, by virtue of the nature of the type of service provided, receive the highest volume of concerns/complaints. For the reporting period, the top five expressions of dissatisfaction relate to the following services:
 - Housing Repairs
 - Missed Bins
 - Estate Management
 - Council Tax
 - Housing Solutions
- The most common (not all) complaints is attached for each Directorate as Appendix 1. This is based on the previous organisational structure as this

structure was in place for the most part of 2015/16. Appendix 1 also provides analysis to why concerns/complaints have increased in some areas.

- During the reporting period, 50% of complaints have been upheld. This is an increase compared with the same period last year which identified 41% of complaints as being upheld. Analysis has shown that the reason for the increase in upheld complaints is due to the fact that some of our services who receive a high volume of complaints are also showing a high % that are upheld.
- A breakdown of upheld complaints at each stage is shown below.
 - Stage 1 - 57%
 - Stage 2 - 45%
 - Stage 3 – 20%
- For the reporting period, 98% of complaints were responded to in timeframe. This performance is encouraging when considered against the backdrop of the national austerity measures and the impact of reduced resources council-wide.
- A total of 526 MP/MEP enquiries were received (102 MEP), of which 97% were responded to within timeframe.
- A total of 3536 Members enquiries were received, of which 98% were responded to within timeframe. The average time taken to respond to Members enquiries across all Directorates was 6 calendar days.

1. Recommendations

- 1.1 To note the statistics and performance for the reporting period.**
- 1.2 To note that the Complaints Team will work alongside the newly formed Customer Demand Board to ensure root cause analysis is undertaken to identify the cause of complaints.**
- 1.3 To note that where root cause analysis has already taken place, the Complaints Team will work alongside services to ensure any agreed outcomes as a mechanism to reduce complaint volumes are implemented.**

2. Introduction and Background

- 2.1 This report sets out the council's complaints statistics for the year 2015/2016.
- 2.2 Adult's and Children's Social Care have separate statutory complaints procedures.
- 2.3 Directorate analysis of complaints has been produced and is attached as Appendix 1. This provides a high level summary of the top expressions of dissatisfaction and levels of escalation within the Directorates. The Corporate Complaints Team work with services to establish the root cause for concerns/complaints received, reasons for complaint escalation and reasons why complaints are upheld

2.4 Monthly cumulative reporting is issued to senior officers within Directorates in order for more detailed analysis to take place. The aim of which is to enable Directorates to identify any root causes and/or common themes, and to enable proactive steps to be implemented to improve the customer experience.

2.5 Ombudsman Enquiries

2.5.1 The table below provides a summary of formal enquiries where the Local Government Ombudsman and/or the Housing Ombudsman have reached a formal decision on cases with the reporting period. Findings and recommendations from all enquiries are shared with respective Directors and Heads of Service.

Directorate - Based on previous structure	Issue Nature	Ombudsman Findings	Financial Remedy
Planning & Transportation	Objection to planning consent for neighbours conservatory	No Maladministration	N/A
Children's Services	Objection to planning permission for a cycle storage facility at a school	Local settlement	N/A
Housing	Council's decision not to install a 6ft boundary fence	No Maladministration	N/A
Serco	Council Tax – direct debit	No Maladministration	N/A
Children's Services	School Admissions	Maladministration – No Injustice	N/A
Environment	Bin not being returned correctly causing obstruction	Upheld: Maladministration and injustice	£100
Housing	Neighbour dispute regarding feeding wildlife, and fly tipping	Discontinue investigation	N/A
Adults	Hospital Social Work Team failed to carry out an assessment	Upheld: Maladministration, No injustice	N/A
Housing	Eligibility to join Housing Register	Discontinue investigation	N/A
Environment	Damage to property whilst the council were working on a neighbour's garden	Outside jurisdiction	N/A
Environment	Noise concerns	No Maladministration	N/A
Housing	Eligibility to join Housing Register	Maladministration – causing injustice	£100
Housing	Condition of property	Local settlement	N/A
Housing	Damp & mould in property, and removal of pond	Local settlement	N/A
Housing	Delays with remedying repairs	Maladministration – no injustice	£300
Children's Services	Appeal of School Admissions	Discontinue investigation	N/A
Serco	Business Rates	Maladministration causing injustice	N/A
Housing	Condition of property	Local settlement	£100

Housing	Delays with completing repairs	Maladministration causing injustice	£300
Children's Services	Council failed in its duty to safeguard a child	Maladministration – no injustice	N/A
Housing	Various repair issues	Maladministration – causing injustice	£500
Housing	Anti-Social Behaviour and damp and mould in property	No Maladministration in relation to ASB however financial remedy due to delays in addressing damp/mould	£75
Serco	Business Rates	No Maladministration	N/A
Adults	Issues with care plan	Maladministration – causing injustice	£2700

2.6 MP and Member Enquiries

2.6.1 During the reporting period enquiries were received as follows:

- 3536 member enquiries were received, with 98% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 6 calendar days.
- A total of 526 MP/MEP enquiries were received (102 MEP), of which 97% were responded to within timeframe.

2.6.2 MP enquiry trends and common themes are outlined below:

Directorate	Enquiry Type	Volume
Housing	Repairs	78
Housing	Homeless Service	48
Planning & Transportation	Planning Decision/ Advice	22

2.6.3 Councillor enquiry trends and common themes are outlined below:

Directorate – Based on previous structure	Enquiry Type	Volume
Housing	Housing Transformation	106
Housing	Repairs	803
Housing	Tenancy Services Management	324
Housing	Housing Registrations & Allocations	130
Housing	Homelessness	158
Planning/Transportation	Parking	127
Planning/Transportation	Potholes	109
Planning/Transportation	Planning advice and decisions	231
Environment	Fly Tipping	176
Environment	Environmental Health & Trading	147

	Standards	
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2.7 Learning lessons from complaints

2.7.1 The most important aspect of any complaints management framework is the ability to demonstrate that the council can show evidence that it is learning from complaints received. Appendix 1 includes a high level summary of learning from upheld complaints which has been identified by the Directorates. Case studies showing learning from complaints are also uploaded on the council website.

2.7.2 Cumulative Management Information (MI) is submitted to senior performance officers where requested to enable more detailed analysis to take place on the types of feedback received and address any common themes and trends. However, more work must be done to evidence learning from complaints by undertaking root cause analysis and this will be achieved with the Complaints Team working alongside the newly formed Customer and Demand Board.

2.8 Compensation

2.8.1 Records confirm that within the reporting period financial compensation payments have been extended as outlined below:

Directorate - Based on previous structure	Complaint Stage	Financial Remedy
Housing	Stage 3	£500
Housing	Housing Ombudsman	£50 Note – This is not shown in table 2.5.1 as although the payment was made in 2015/16, the decision was received in 2014/15
Environment	LGO	£100
Planning & Transportation	Internal Review	£200
Housing	LGO	£100
Children's Social Care	Stage 3	£1000
Housing	Stage 3	£350
Legal	Stage 3	£200
Housing	Housing Ombudsman	£300
Housing	Housing Ombudsman	£100
Adults Social Care	LGO	£2700
Housing	Housing Ombudsman	£300
Housing	Housing Ombudsman	£500
Housing	Stage 2	£50
Housing	Housing Ombudsman	£75

2.9 Children's Social Care

- Children's Social Care operates a statutory complaints procedure. For the reporting period, 81 Stage 1 complaints were recorded (the previous year 54 were received so this represents an increase). 7 complaints were upheld, 13 complaints were partially upheld and 36 complaints were not upheld. Of the 25 not completed, 3 were out of jurisdiction, 3 were withdrawn and 19 were in the process of investigation.
- 2 complaints progressed to Stage 2 independent investigation. Both complaints are currently pending investigation.
- 1 complaint progressed to a Stage 3 review panel. The outcome of this complaint is upheld and the learning has been taken forward by Senior Management.
- Other representations received are shown below:
 - 117 compliments
 - 4 Ombudsman enquiries
 - 17 MP Enquiries
 - 12 Member Enquiries
 - 7 MEP Enquiries
 - 48 concerns.

2.10 Adult Social Care

- 54 complaints were investigated in accordance with the statutory adult social care complaints procedure (the previous year 68 were received so this represents a reduction). 15 complaints were upheld, 9 were partially upheld, 14 complaints were not upheld and 13 complaints were in the process of being investigated. One complaint was withdrawn and two were out of jurisdiction.
- Other representations received are shown below:
 - 4 Ombudsman enquiries
 - 23 concerns
 - 16 MP Enquiries
 - 45 Member Enquiries
 - 12 MEP Enquires
 - 166 compliments
 - 4 Independent Living Fund Appeals

2.11 Complaint channels

2.11.1 There are various means for complainants to register expressions of dissatisfaction. The top themes for 2015/16 are shown below:

Email	50%
Complaints Form	32%
Telephone	10%
Letter	6%
Website	1%
In Person	1%

2.12 Compliments

2.12.1 The council received a total of 395 external compliments within the reporting period (last year this figure was 449) from residents and visitors. Breakdown is below:

Directorate – Based on previous structure	Volume
Central Services (CEDU/Chief Executive Dept)	5
Environment	44
Housing	85
Adult Social Care	158
Planning/Transportation	10
Serco	5
Children's Social Care	88
Total	395

2.13 Actions for 2016/17

2.13.1 The Complaints Team has agreed a series of actions for the period 2016/17, namely:

- To produce monthly reports to Performance Board and the Customer and Demand Board providing top level and service specific information on all complaints handled by the services. These reports will contain complaint performance information, trends and detail on upheld complaints. This will then allow services to use the information to identify and share any learning from complaints and to inform their service planning process.
- To hold complaint review meetings with services to discuss complaint volumes and trends and to agree actions for improving complaint performance.
- To continue to review the complaints procedure to ensure it best meets the needs of our residents and customers; including reviewing our existing

channels open to receiving complaints at Thurrock to ensure all complaints are captured for reporting purposes.

- To explore solutions aimed at providing a more digital approach to complaints. This will include the provision for complainants to log complaints directly and to track progress/status.

2.14 Changes to the complaints process

2.14.1 A review of the council's complaints process has been undertaken and the following changes were agreed at Directors Board on the 17th May 2016. These changes will come into effect on the 1st August 2016.

Concerns:

- The Concerns stage will be removed.
- All issues that would have previously been processed as a Concern will now be dealt with as a Stage 1 complaint.

Complaints timeframes:

- The timeframes for responding to Complaints, Members Enquiries and MP Enquiries will be changed from calendar days to working days.
- Stage 1 Complaints will have a 7 working day timeframe. This was 14 calendar days, therefore this represents a shorter timeframe.
- Stage 2 Complaints will have a 15 working day timeframe. This was 28 calendar days, therefore this represents a shorter timeframe.
- Stage 3 Complaints will have a 15 working day timeframe. This was 28 calendar days, therefore this represents a shorter timeframe.
- All Enquiries will have a 10 working day timeframe. This was 14 calendar days so no change.

Members Enquiries:

- Any Members Enquiries received on behalf of their constituents that clearly meet our definition of a Complaint, will be dealt with as a resident/individual Complaint (recorded as a Complaint via Members). In these cases the response will be sent to the resident/individual with the Member copied in.
- Enquiries from Members that do not align with our complaint definition will be logged and processed as a Members Enquiry.

Service Requests:

- Service requests must be logged where appropriate as a mechanism to ensure the issue is resolved swiftly (and not log Complaints unnecessarily). With this in mind a number of issues previously recorded as Concerns will be processed as a service request. Example below:
 - *Can someone inspect my property as I may have damp and mould appearing in some rooms – **Process as a service request (or customer slip for Housing)***
 - *I have had a job booked in for damp and mould treatment at my property over 2 months ago, but have still not been informed*

*when this will be done despite me requesting a date – **Process as a Complaint.***

3. Issues, Options and Analysis of Options

3.1 There are no options associated with this paper.

4 Reasons for recommendations

4.1 This report is for noting purposes. There are no recommendations requiring approval.

5 Consultation (including Overview and Scrutiny, if applicable)

5.1 This report was sent to Performance Board and Director's Board.

6 Impact on corporate policies, priorities, performance and community impact

6.1 Complaints impact on the council's priority of delivering excellence and achieving value for money.

6.2 The complaints process seeks to create a culture of corporate learning from best practice from listening to our customers and by acting on complaints. All complaints received must have learning applied if the complaint outcome is upheld.

6.3 The complaints process aims to improve customers' and users' experience of accessing council services. This will support our customer services strategy.

7 Implications

7.1 Financial

Implications verified by: **Laura Last**

Senior Finance Officer

There are no direct financial implications arising from this report.

7.2 Legal

Implications verified by: **David Lawson**

**Deputy Head of Legal & Deputy
Monitoring Officer**

- Both the Courts and the Local Government Ombudsman expect complainants to show that they have exhausted local complaints / appeal procedures before commencing external action.
- The implementation of our learning from complaints and listening to our residents should lead to a reduction of complaints received and a reduction in those going to the Ombudsman or the Courts.
- Social Care for Adult and Children are required to follow a separate procedure stipulated by the Department of Health (DOH) and Department for Education & Skills (DFES).

7.3 Diversity and Equality

Implications verified by:

Natalie Warren

**Community Development and
Equalities Manager**

- The Information Management Team will ensure that the Community Development and Equalities Manager are aware of all complaints that have an equality related expression of dissatisfaction.

7.4 Other implications

None

8 Background papers used in preparing the report

- Information has been obtained from the council's complaints system.

9. Appendices to the report

- Appendix 1 – Directorate performance data analysis and learning outcomes.

Report Authors:

Lee Henley/Tina Martin (Information Manager/Senior Corporate Complaints & Information Governance Officer).

APPENDIX 1

DIRECTORATE ANNUAL COMPLAINTS SUMMARY: 2015/2016

DIRECTORATE: Chief Executive Delivery Unit

Summary:

Top expressions of dissatisfaction relate to Strategy & Communications and Regeneration and include:

- Issues with online council tax advice; errors with My Account; lack of contact numbers available
- Lack of action by staff within Regeneration Team
- Lack of communication with regard to consultations

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	Concerns rec'd	Concerns escalated	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	S2 escalated	S3 rec'd	% upheld
Strategy & Communications	6 (18)	1 (1)	1 (1)	100% (100%)	- (1)	1 (1)	0% (0%)	- (0)	2 (0)	0% (0)
Regeneration Service	1 (2)	- (0)	1 (2)	100% (0)	- (1)	1 (1)	- (100%)	- (0)	- (0)	- (0)

*Last year's figures in brackets

Please note: The Complaints Team will investigate a complaint direct at stage 3 when an assessment of the case is deemed appropriate

Learning from upheld complaints as identified by the service includes:

- Strategy and Communications - A review of the Council Tax registration process outlined on the web page to ensure the advice provided is clear.
- Regeneration – To ensure residents are updated swiftly without any delays.

DIRECTORATE ANNUAL COMPLAINTS SUMMARY: 2015/2016

DIRECTORATE: Chief Executives Office

Summary:

Top expressions of dissatisfaction relate to Corporate Finance, Democratic and Electoral Services, Complaints and Legal Services and include:

- Claim for damages to vehicle due to potholes, and how compensation payment was handled
- Data Protection breach due to papers sent to the incorrect recipient.
- Lack of contact from complaints team

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	Concerns rec'd	Concerns escalated	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	S2 escalated	S3 rec'd	% upheld
Corporate Finance	6 (8)	0 (3)	2 (6)	0% (16%)	0 (2)	1 (2)	0% (0%)	1 (1)	2 (2)	0% (0%)
Democratic & Electoral Services	4 (4)	0 (0)	1 (0)	0% (0%)	1 (0)	2 (1)	0% (0%)	0 (1)	0 (1)	0% (0%)
Complaints	2 (0)	0 (0)	1 (0)	100% (0%)	0 (0)	0 (2)	0% (0%)	0 (0)	0 (0)	0% (0%)
Legal Services	0 (2)	0 (0)	1 (2)	0% (0%)	1 (1)	4 (2)	25% (50%)	2 (1)	2 (1)	50% (0%)

*Last year's figures in brackets

Please note: The Complaints Team will investigate a complaint direct at stage 3 when an assessment of the case is deemed appropriate

Learning from upheld complaints as identified by the service includes:

- Complaints Team – Staff have been spoken to ensure residents/individuals are updated in a timely manner.
- Legal – A data protection breach has been addressed in line with HR procedures.

DIRECTORATE ANNUAL COMPLAINTS SUMMARY: 2015/2016

DIRECTORATE: Children's Services

Summary:

Top expressions of dissatisfaction relate to Special Educational Needs and School Admissions and include:

- Lack of communication and the handling of SEN cases.
- Unhappy with school placements received, and online registration and process of notification of placement.

	Concerns rec'd	Concerns escalated	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	S2 escalated	S3 rec'd	% upheld
SEN	4 (3)	0 (0)	7 (0)	71% (0%)	1 (0)	1 (2)	0% (50%)	0 (1)	0 (1)	0% (0%)
Admissions	3 (10)	1 (1)	6 (3)	0% (66%)	1 (1)	1 (5)	0% (0%)	0 (3)	0 (3)	0% (33%)

*Last year's figures in brackets

Please note: The Complaints Team will investigate a complaint direct at stage 3 when an assessment of the case is deemed appropriate

Learning from upheld complaints as identified by the service includes:

- SEN - Meetings arranged to discuss concerns which were then addressed by the SEN Case Management Panel.

DIRECTORATE ANNUAL COMPLAINTS SUMMARY: 2015/2016

DIRECTORATE: Environment

Summary:

Top expressions of dissatisfaction relate to Waste & Recycling services (missed collection and non-return of bins).

- Bins not being collected on dedicated collection day
- Bins not being put back in the correct place

	Concerns rec'd	Concerns escalated	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	S2 escalated	S3 rec'd	% upheld
Missed bin collection	388	37	89	76%	22	28	68%	3	3	66%
	(226)	(24)	(47)	(85%)	(11)	(23)	(82%)	(3)	(4)	(50%)
Non return of bins	90	10	19	79%	4	5	60%	3	3	66%
	(41)	(8)	(12)	(83%)	(2)	(4)	(100%)	(0)	(0)	(0)

*Last year's figures in brackets

Please note: The Complaints Team will investigate a complaint direct at stage 3 when an assessment of the case is deemed appropriate

Points to Note:

- **Missed Bins** - There has been an increase in concerns received for 2015/16 (388) compared with 2014/15 (226). There has also been an increase in Stage 1 complaints received for 2015/16 (89) compared with 2014/15 (47). Further root cause analysis must be undertaken to ensure service improvements are delivered, however Waste Management are of the view that the increase could be due to a number of factors (see below):
 - Bins not being presented to the kerbside in time for the collection or not presented at all. This is a normal year-on-year problem.
 - Bins are contaminated and are therefore not collected by the crews.
 - Blocked access to the road may have stopped the vehicle from accessing the road to enable the team to empty the bin. Waste are now exploring an in cab system that will report this information straight to the back office.
 - During Christmas 2015 the council brought forward the bin collections a day early which it has never been done before, and this caused confusion with many residents.

- 2015/16 is the first year that bins were collected on Bank Holidays and the Easter Bank Holiday collection would have fallen within 2015/16. This change may not have been picked up by many residents and a number would have continued to put out their bin a day later, at which point the bin would not have been collected.
- **Non-return of bins to the correct location** – There has been an increase in concerns received for 2015/16 (90) compared with 2014/15 (41). Waste Management are tackling this as an operational issue and throughout the year crews were reminded of the service standards via meetings, toolbox talks and on a team by team basis.
- During 2014 Environment implemented the use of “Love my Street” and “My Account” as a mechanism for residents to use to report service requests and other types of customer feedback. Since April 2015, approximately 11000 service requests have been recorded via these channels. Due to this, there may be a significant number of concerns that have been reported via these channels of which the Corporate Complaints Team were not aware of. However for 2016/17, a process has been established to ensure that concerns/complaints reported via these channels are retrospectively included within complaints reports.

DIRECTORATE ANNUAL COMPLAINTS SUMMARY: 2015/2016

DIRECTORATE: HOUSING

Summary:

Top expressions of dissatisfaction relate to Housing remedial repairs, Transforming Homes programme, delays by contractors and service provision for homeless applications. These include:

- Quality of work in Transforming Homes programme, quality of work, attitude of contractors
- Damp and mould, lack of updates regarding progress, unable to speak with officers, delays by the contractor and quality of work
- Lack of updates, staff attitude
- ASB issues, no response to emails, delays with repairs to garage and incorrect advice being given.
- Repair works when property was void still not completed

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	Concerns rec'd	Concerns escalated	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	S2 escalated	S3 rec'd	% upheld
Transforming Homes	38	7	48	79%	13	15	67%	3	6	33%
	(90)	(25)	(48)	(46%)	(18)	(26)	(81%)	(7)	(7)	(71%)
Repairs	660	79	447	77%	106	149	69%	40	46	13%
	(532)	(136)	(301)	(57%)	(100)	(121)	(55%)	(31)	(38)	(10%)
Housing Solutions	108	9	77	18%	19	31	29%	7	8	25%
	(98)	(16)	(44)	(18%)	(11)	(32)	(6%)	(3)	(4)	(0%)
Estate Management	157	13	79	49%	19	53	32%	14	18	22%
	(259)	(43)	(97)	(32%)	(27)	(55)	(31%)	(13)	(15)	(20%)
Voids	47	8	31	65%	14	15	47%	6	7	14%
	(23)	(3)	(17)	(41%)	(6)	(7)	(14%)	(3)	(3)	(66%)

*Last year's figures in brackets

Please note: The Complaints Team will investigate a complaint direct at stage 3 when an assessment of the case is deemed appropriate

The Corporate Complaints Team will assess all cases where the resident requests an escalation of their complaint in line with the current procedure. If the assessment concludes that the case does not require formal investigation but feels that the service could undertake more work the complaint is returned for further action to the service.

Points to Note:

- **Transforming Homes** - There has been a decrease in concerns received for 2015/16 (38) compared with 2014/15 (90). However 79% of Stage 1 complaints were upheld and 67% of Stage 2 complaints are upheld. It should be noted that the total number of concerns/complaints received in the period (107) represents 0.6% of the total contacts required (17875) to complete these works. Despite this Housing are working on the following learning activities:
 - The Housing Department has implemented an enhanced inspection process for works in progress to address any concerns as they arise. The department is also closely monitoring the % of properties handed over by the contractors snag free.
- **Repairs** - There has been an increase in concerns received for 2015/16 (660) compared with 2014/15 (532). The reporting period has also seen an increase in Stage 1 complaints received for 2015/16 (447) compared with 2014/15 (301). Root cause analysis and discussions with Housing Management have identified the following:
 - A number of concerns escalated into complaints as residents reported that follow up works have not been completed. This is an area that Housing is working on closely with our partnering contractors to ensure the process is more robust and communications to residents are improved.
 - The reporting period has seen a change in contractor for dealing with Gas repairs. This resulted in an increase in complaints received in this area, due to a slower response from the new contractor in dealing with repairs, particular during the autumn/winter periods.
 - During March 2015 the council's new repairs policy was implemented. This resulted in some key changes in the way the council manage repairs which would have resulted in an increase in concerns/complaints being received. These changes included tenants now having responsibility for the maintenance of some internal property elements (and not the council) along with the batching of repairs relating to fencing/glazing/plastering instead of the council dealing with these as individual repairs.
- **Repairs** - 77% of Stage 1 complaints were upheld and 69% of Stage 2 complaints are upheld. However the following information should be taken into context:
 - The service has completed a total of 48,831 responsive repairs during 2015/16 and 1302 concerns/complaints have been received during the same period. This represents a concern/complaint rate of 2.7% based on the total number of repairs carried out (48,831).
 - Based on 3458 satisfaction surveys completed with residents, 86.4% of residents rate the repairs service as good or excellent.

- **Estate Management** - There has been a decrease in concerns received for 2015/16 (157) compared with 2014/15 (259). However 49% of Stage 1 complaints were upheld and root cause analysis has identified the following:
 - A number of upheld complaints were in relation to a lack of communications with tenants (e.g. not responding back to emails/phone calls).
 - A number of upheld complaints were in relation to contractor delays (e.g. tenant was informed that trees would be removed, however this did not take place due to delays from the appointed contractors).
- **Housing Solutions** - There has been an increase in Stage 1 complaints received for 2015/16 (77) compared with 2014/15 (44). Root cause analysis and discussions with Housing Management have identified that:
 - There has been a substantial increase in the number of households approaching the authority for homelessness assistance. In doing so there has been a corresponding increase in complaints.
 - The service has seen applicants, who have received a negative outcome from their statutory application or who have not been provided with a more immediate rehousing solution, lodging a complaint. However 18% of Stage 1 complaints were upheld
 - For those complaints upheld, a number relate to customers not feeling they have been kept updated regarding the status of their application or rehousing option. This has been identified as a service improvement area for Housing.

Data Quality Note – In last years (2014/15) annual report the figures for concerns and concerns escalated excluded Mears figures (under Repairs). However the above statistics have been amended to include Mears.

DIRECTORATE ANNUAL COMPLAINTS SUMMARY: 2015/2016

DIRECTORATE: Planning & Transportation

Summary:

Top expressions of dissatisfaction relate to Planning advice, Planning decisions, and parking issues. These include:

- Length of time taken to respond to planning query
- Disputes over planning decisions made and not being able to speak with anyone in planning to discuss the application.
- Complaints about Civil Enforcement Officers
- Potholes, conditions of paths and lack of updates

	Concerns rec'd	Concerns escalated	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	S2 escalated	S3 rec'd	% upheld
Planning Advice	20 (12)	2 (3)	8 (9)	50% (11%)	2 (2)	4 (3)	25 (0%)	1 (1)	1 (1)	0% (0%)
Planning Decision	7 (14)	5 (2)	18 (8)	22% (12%)	9 (3)	9 (5)	33% (20%)	1 (3)	1 (4)	0% (0%)
Parking	57 (82)	4 (8)	17 (23)	6% (9%)	2 (5)	9 (15)	33% (27%)	3 (3)	3 (3)	0% (0%)
Road / path conditions	81 (58)	6 (5)	32 (11)	47% (27%)	8 (2)	9 (3)	33% (33%)	3 (0)	3 (1)	66% (100%)

*Last year's figures in brackets

Please note: The Complaints Team will investigate a complaint direct at stage 3 when an assessment of the case is deemed appropriate

Learning from upheld complaints as identified by the service includes:

- Planning - Staff reminded to respond to residents in a timely manner and management of the generic mailbox to be revised. Call groups have also been updated to ensure telephone contact can be improved.
- Parking – Staff complaints dealt with in line with HR procedures
- Road /path conditions - Staff to improve communications with residents

DIRECTORATE ANNUAL COMPLAINTS SUMMARY: 2015/2016

DIRECTORATE: SERCO

Summary:

Top expressions of dissatisfaction relate to Council Tax, Housing Benefit, Sundry Debtors and Contact Centre and include:

- Complaints about enforcement action
- Delays in assessing housing benefit claims
- Attitude of staff within sundry debtors service
- Length of time on the telephone with the contact centre

	Concerns rec'd	Concerns escalated	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	S2 escalated	S3 rec'd	% upheld
Council Tax	137 (167)	8 (21)	77 (55)	17% (22%)	17 (12)	37 (76)	13% (10%)	6 (6)	6 (7)	17% (0)
Housing Benefit	119 (109)	11 (13)	50 (39)	46% (36%)	9 (13)	16 (20)	21% (30%)	5 (2)	5 (3)	20% (0)
Sundry Debtors	25 (8)	4 (0)	28 (8)	12% (37%)	6 (1)	61 (11)	23% (9%)	7 (3)	7 (3)	14% (0%)
Contact Centre	17 (49)	1 (5)	10 (9)	50% (11%)	3 (0)	14 (8)	43% (50%)	2 (1)	2 (1)	0% (0)

*Last year's figures in brackets

Please note: The Complaints Team will investigate a complaint direct at stage 3 when an assessment of the case is deemed appropriate

Learning from upheld complaints as identified by the service includes:

- Benefits - Assessors to be more proactive when dealing with customers

Points to Note:

- **Council Tax** - There has been a decrease in concerns received for 2015/16 (137) compared with 2014/15 (167).

- **Debtors** - There has been an increase in Stage 2 complaints received for 2015/16 (61) compared with 2014/15 (11). However, in considering this comparison it is important to note that debt complaints often fluctuate in line with the volume of debt activity undertaken. Within 2015/16 increased initiatives have been introduced within the Sundry portfolio to enhance recovery rates, which has proportionally increased the number of complaints received. It should be noted that 23% (14) of Stage 2 complaints have been classified as upheld. Root cause analysis has identified that:

- Complaints were upheld in some cases by the Complaints Team, due to a form of acknowledgment within the complaints response that the customer service experience offered by Debtors Staff was not to the desired standard.
- However further discussions with the service have established that when producing Debtors complaints responses, a conscious effort is made to produce a balanced customer friendly response which can result in a misunderstanding as to whether the complaint is upheld or not. Going forward complaint classifications will be confirmed with the service.

Example – Statements are included along the lines of “*staff will be reminded of service standards*” when in some cases the call/case was handled professionally and appropriately by Debtors Staff.

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29 September 2016	ITEM: 9
Standards and Audit Committee	
Internal Audit Report – Acquisition and Disposal of Land and Buildings (excluding Council Houses)	
Wards and communities affected: All	Key Decision: Non-key
Report of: Matthew Essex, Head of Regeneration & Assets	
Accountable Head of Service: Matthew Essex, Head of Regeneration & Assets	
Accountable Director: Steve Cox, Corporate Director Environment & Place	
This report is public	

Executive Summary

An audit of the acquisition and disposal of land and buildings (excluding Council houses) was undertaken as part of the approved 2016/17 internal audit programme. The audit concentrated on the acquisition and disposal of assets from March 2012 up until March/April 2016 during which time there were 30 individual transactions.

The audit reported its findings in June 2016 and identified a number of shortcomings in the governance, management and monitoring of land and property acquisition and disposals across both the General Fund and HRA. The audit ultimately rated the controls of acquisition and disposal activity as high risk and concluded that the Council could not ‘take assurance that the controls on which it relies to manage the risk(s) are suitably designed, consistently applied or effective’.

Given the increasingly important part that the management of the Council’s asset base will play in enhancing the Council’s service offer, generating income and supporting the delivery of the wider placemaking agenda it is clear that these shortcomings need to be addressed.

This report outlines the background and findings of the Internal Audit and sets out an action plan developed in response to the issues identified. The recommendations made through the audit have been accepted in full and the action plan records the significant progress which has already been made in implementing new governance and management arrangements as well as the changes to internal processes which will be used in future to ensure that there is no repeat of the identified failings.

1. Recommendation(s)

1.1 Members are asked to note the findings of the Internal Audit report and consider the sufficiency of the measures which have been put in place through the action plan to address the identified shortcomings.

2. Introduction and Background

2.1 The Council has a wide-ranging asset portfolio which comprises housing stock and other assets of various sizes and types ranging from individual plots of land, dwellings, shops, school buildings, offices and industrial units to cemeteries, playing fields, adventure playgrounds, public conveniences, depots, community halls etc. As at 31st March 2016, the total value of Council owned assets stood at approximately £840 million.

2.2 The Council manages its asset base in a range of ways. Parks/playing fields and the like and HRA owned property benefit from dedicated management arrangements through the Council's Environment and Housing Services departments respectively. However, the remaining assets have variously been managed within services (where linked to operational service delivery) or through the Council's assets service. As a result, a range of different asset management approaches have developed which are very much dependent on the skills and capacity of the staff within the various parts of the authority and respond largely to the motivations/drivers within each of those areas.

2.3 Through the course of its normal business, the Council will have reason to acquire and dispose of property. Within the four years reviewed through the Internal Audit there were 30 individual transactions which included disposals of surplus assets to meet income targets set within the Medium Term Financial Strategy (MTFS), disposals to support third party service delivery, acquisitions through the HRA to support housing development proposals and acquisitions through the General Fund to support the delivery of the Purfleet Centre proposals. All of the transactions were conducted through whatever processes and governance structures had been established within each of the areas leading on the transactions at the time.

2.4 It should be noted that the period in question would have seen more acquisition and disposal activity than previous years. The number of disposals should reduce following the removal of a capital receipt target from the MTFS. However, the increased acquisition activity in support of the housing development and Purfleet Centre programmes is likely to continue to grow as the Council brings forward proposals in Grays South alongside the ongoing Purfleet Centre and housing development programmes.

2.5 The audit of the acquisition and disposal of land and buildings (excluding Council houses) was undertaken as part of the approved 2016/17 internal audit programme. The audit reported its findings in June 2016 and identified a number of shortcomings in the governance, management and monitoring of land and property acquisition and disposals across both the General Fund and HRA. The audit ultimately rated the controls of acquisition and disposal

activity as high risk and concluded that the Council could not 'take assurance that the controls on which it relies to manage the risk(s) are suitably designed, consistently applied or effective'.

3. Issues, Options and Analysis of Options

- 3.1 As is noted above, the audit considered all of the 30 transactions carried out over the four year period. Observations were raised in respect of 15 of those transactions which were split between disposals of General Fund activity and acquisitions through the HRA. 10 acquisitions conducted through the General Fund, cumulatively valued at around £1.5m, in support of the delivery of the Purfleet Centre proposals were considered with no concerns raised.
- 3.2 Three specific risks were identified through the audit:
- i. There may not be a record in the asset register of any acquisition or disposal of buildings and land;
 - ii. The acquisition of property may not have been part of an overall strategic plan for the organisation's needs, may not have been handled properly and may have resulted in financial loss; and
 - iii. Property disposed of may not have been identified as surplus and the best possible price may not have been obtained on the open market.
- 3.3 The most common issue identified within the audit, which is reflected in each of the specific risks, was in respect of document management/retention with a number of instances where files were incomplete and evidence was unavailable to confirm whether or not the Council had achieved best value. Of particular concern was the lack of consistently available independent valuation advice to back up the values that property was sold or acquired at.
- 3.4 Whilst it should be acknowledged that the Council employs a number of qualified surveyors who are able to assess the value of land and property it is acknowledged that they were not always called upon and, in any event, a full record of the assessment of value (however calculated) should be retained on file. Various reasons were identified for the failure to retain documents including staff turnover, the use and management of consultants – particularly with respect to the acquisitions through the HRA – failure to exercise the anticipated level of document control and insufficient application of established approval processes.
- 3.5 A high level review of the various matters identified through the audit has subsequently been conducted to revisit the values that property was sold or acquired at. This has not identified any areas of significant concern that would suggest that the Council has demonstrably failed to achieve value for money.
- 3.6 The audit made four specific recommendations to address the issues that had been identified including establishing a Corporate Landlord function, reviewing governance and management relationships, updating the Council's Asset Management Strategy and reviewing the disposals process. All of these

recommendations have been fully accepted and work is underway to address these points. In some cases, the relevant actions have already been undertaken and new arrangements implemented. An action plan is attached at Appendix One which details the recommendations made, the actions which it is proposed are taken and the progress to date in their implementation.

- 3.7 The most significant changes are the establishment of a Corporate Property Board, chaired by the Director of Finance and IT and supported by the Head of Regeneration and Assets who will now oversee all asset/property related dealings across the Council together with a clear commitment to move to a Corporate Landlord model. Under this arrangement, all operational and investment land and property (excluding parks and HRA owned property) will be managed through a single department so that a common approach to letting, licensing, acquisitions, sales and management can be applied.

4. Reasons for Recommendation

- 4.1 Under the Council's internal audit process, members of the Standards and Audit Committee are required to review any 'red rated' audit findings and consider the effectiveness of the measures identified to respond to the recommendations made as a result of the issues identified.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 N/A

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 As a significant owner of property within the Borough, it is critical that the Council has effective plans in place for its management and use and is able to maximise the benefit of its portfolio in either service delivery or financial terms. The issues identified within the internal audit rightly raise concerns on the Council's historic approach to the management of its portfolio and, specifically, the conduct of disposals and acquisitions. The arrangements that have been put in place in response to the audit's findings are considered to be an appropriately robust change in approach which will secure the anticipated benefit in the future.

7. Implications

7.1 Financial

Implications verified by: **Carl Tomlinson**
Finance Manager

The Council continues to operate in challenging financial conditions and effective asset management can only strengthen the Council's financial standing. Strategically utilising the asset base to generate income, realise capital receipts, create investment opportunities and unlock added value is an essential part of managing ongoing financial pressures. The Internal Audit report identified a number of recommendations in respect of the acquisition and disposal process and the report sets out actions to address the shortcomings.

7.2 Legal

Implications verified by: **Vivien Williams**
Planning and Regeneration Solicitor

Local authority information on land and property assets in its ownership should be open and transparent. Every disposal of surplus land or property should have clear objectives from the outset; help deliver local planning objectives; use land as efficiently as possible and ensure the best possible return. Local authorities in disposing of surplus land and property must have regard to the requirements of Circular 06/03. Disposals at less than best consideration may be justified in certain circumstances where it is crucial that a local authority in meeting its legal obligations is able to demonstrate that a consistent, transparent and well structured approach has been taken and that value for money will be obtained.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development Manager

Council assets play a key role in ensuring that services meet the needs of local residents, as well as provide opportunity for growth and cohesion. The action plan will strengthen Council's ability to take a strategic approach to its asset base. Decisions relating to assets will be informed by a community and equality impact assessments through the proposed governance arrangements.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix One – Action Plan

Report Author:

Matthew Essex

Head of Regeneration and Assets

Environment and Place

Appendix One – Action Plan

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Responsible Person
1.1	It is recommended that the Corporate Landlord model is further investigated and a project board is set up to look at the best model for Thurrock and how it can be rolled out across the authority i.e. management role, consultancy role etc. At this initial stage, housing stock should be exempted from this process as they are managed and maintained as part of the Housing Service Plan. The board should have representatives from all departments that manage their own assets and the Senior Financial Accountant responsible for capital and assets. It should be chaired by the Head of Regeneration & Assets. This approach will ensure all stakeholders are represented and signed up to driving forward the Council's Asset Management Strategy and Delivery Plan.	Medium	Y	<p>A proposal was signed off by DB in March 2016 to move all operational Council property (excluding HRA properties and Parks) into a Corporate Landlord model.</p> <p>Transfer of the first tranche of property (libraries) has been completed and work on the next tranche (children's centres) is well advanced with a transfer imminent.</p> <p>Corporate Property Board, chaired by s151 officer, has been established and is meeting monthly. Terms of Reference include property management, strategy development and supporting Corporate Landlord function.</p>	<p>Transfer of properties into Corporate Landlord complete end March 2017</p> <p>Corporate Property Board established July 2016.</p>	Head of Regeneration & Assets/ Corporate Property Manager
2.1	To ensure that the Council has received good value when acquiring land/property to meet its strategic needs, management must ensure that staff and consultants are properly supervised and all documentation	High	Y	Issue straddles HRA and General Fund. Move to the Corporate Landlord will address the issues in respect of the General Fund however	Completed.	Head of Regeneration and Assets

Appendix One – Action Plan

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Responsible Person
	relating to their work is retained by the Council. This helps to ensure that relevant standards, policies and procedures are being met and the process is open and transparent.			<p>issues may remain within the HRA.</p> <p>Housing Development Structure has been completely reviewed with a new Team Manager appointed (started July 2016) reporting to the Head of Regeneration & Assets.</p> <p>Processes have been reviewed and documentation requirements updated to ensure that complete record is maintained.</p>		
2.2	It is recommended that the Asset Management Strategy and Plan are reviewed and updated on an annual basis to reflect changes in respect of economic, social, legal and environmental issues that impact on the Council. This will reduce the likelihood that assets are not being utilised in the most effective way to support the Council with its short, medium and long term financial planning.	Medium	Y	<p>Restructuring of the Corporate Property Team is underway to ensure that sufficient capacity and skills exist to support the Corporate Landlord function. This should be completed by the end of September 2016 (subject to any recruitment activity).</p> <p>Once the new structure is</p>	End March 2017	Corporate Property Manager

Appendix One – Action Plan

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Responsible Person
				implemented, work will begin on developing the revised Asset Strategy. This will be overseen and ultimately owned by the Corporate Property Board.		
3.1	<p>It is recommended that a fundamental review of the process for disposing of properties is undertaken. The lack of documentation around some disposals meant we were unable to provide assurance that best value had been obtained. The review would also need to address the following issues raised during the internal audit:</p> <ul style="list-style-type: none"> • Valuation advice must be obtained in all cases, from a suitably qualified internal or external Valuer, who has sufficient current local and national knowledge of the relevant market. • Managers must ensure all relevant information is filed and retained to evidence the decisions made. • Cabinet approval should be obtained in advance of a property being sold. • Evidence should be obtained to support any sale where the market value is not being achieved. 	High	Y	<p>The issues identified result from factors including staff turnover, poor management of consultants, failure to exercise document control and insufficient application of established processes.</p> <p>The response to the issues needs to come from the whole organisation including Corporate Property, Legal Services and Finance.</p> <p>Processes for the valuation, approval and documentation of disposal processes will be immediately reviewed to ensure that an appropriate system exists to evidence the various stages followed.</p>	<p>Immediate review of procedures complete</p> <p>Ongoing monitoring required to ensure compliance</p>	Head of Regeneration & Assets with Legal Services

Appendix One – Action Plan

29 September 2016	ITEM: 10
Standards and Audit Committee	
Internal Audit Report – Recruitment & Selection Process	
Wards and communities affected: All	Key Decision: Non-key
Report of: Mykela Pratt, Improvement Manager	
Accountable Director: Jackie Hinchliffe, Director of HR, OD & Transformation	
This report is public.	

Executive Summary

An audit of Recruitment & Selection was undertaken as part of the approved 2015/16 internal audit programme. Due to the termination of the Serco contract from 1st December 2015 some work was deferred until 2016/17. The audit examined the process and data from the sample used of 124 posts recruited to between April and September 2015.

The audit reported its findings in July 2016 and identified a number of shortcomings in the overall effectiveness and design of the control framework and in the application of and compliance with the control framework. The audit was rated as red, concluding that the council could not be assured that the controls are suitably designed, consistently applied or effective.

Due to considerable concerns with the recruitment service, managed through the client/contract, the management of the service was taken over by the council in October 2015, 2 months before the termination of the Serco contract. The audit report acknowledges the considerable change and improvement of the service and the control framework since that time.

This report outlines the background and findings of the Internal Audit and sets out an action plan developed in response to the issues identified. The recommendations made through the audit have been accepted in full and the action plan records the significant progress which has already been made in implementing new systems and management arrangements as well as the changes to internal processes which will be used in future to ensure that there is no repeat of the identified failings.

The most significant and notable improvements that have already been made to mitigate the concerns highlighted from the audit include staffing changes to ensure consistency in the application of the policy and processes and the implementation of an Applicant Tracking System (ATS) that assists in ensuring a digital end-to-end

recruitment process and minimises opportunities for error or deviation from the agreed process.

A follow up audit was undertaken in August 2016 at the request of senior management to assess the impact of these improvements. 10 recruitments were reviewed that occurred between April and June 2016.

As this was a follow up report, audit do not provide an overall assurance opinion however they have confirmed that the progress being made to implement the recommendations has been good with all but one of the recommendations made following the full audit having been fully implemented. The one remaining recommendation has been put into place since August 2016 and as such had not had the positive impact on the follow up audit.

These improvements, amongst the others detailed in this report, will ensure the Council is no longer at risk in relation to the recruitment and selection process.

1. Recommendation(s)

- 1.1 Members are asked to note the findings of the Internal Audit report and the actions taken to respond to the issues identified and improve this critical service.**

2. Introduction and Background

- 2.1 Recruitment and selection is a critical function for the council – effective service delivery and customer support relies upon the organisation having the right people. Appropriate processes and controls ensure the council complies with legislation and protects the council and residents.
- 2.2 The Chartered Institute of Personnel Development (CIPD) believes that effective recruitment is central to the successful day-to-day functioning of any organisation. Successful recruitment depends upon finding people with the right skills, expertise and qualifications to deliver organisational objectives and the ability to make a positive contribution to the values and aims of the organisation. Further CIPD believes that selection procedures should be based only on a candidate's ability to do the job, ability to make a contribution to the organisation's effectiveness and potential for development.

3. Issues, Options and Analysis of Options

- 3.1 As is noted above, the audit sampled practice from the 124 posts recruited to between April and September 2015.

3.2 Six specific risks were identified through the audit:

- Appropriate training and support may not be provided to hiring managers
- The creation of the post may not have been authorised by the Head of Service
- There may not be appropriate records to support a hiring decision and credential verification including proof of eligibility to work in the UK
- The Safer Recruitment protocols may not be followed
- New employees may not be given an Induction programme
- Performance may not be measured

3.3 The most common issue identified within the audit was in respect of appropriate records to support decisions.

3.4 The improvements implemented since the council took management control of the service in October 2015 include:

- Fully staffed team of permanent employees that include a Team Leader, Officers and Assistants – compared to 3 agency staff.
- Training relating to eligibility to work undertaken with the recruitment team.
- Procurement of an Applicant Tracking System (ATS) which enables online applications, shortlisting and reference checking – candidates can also track progress.
- Advertising all vacancies through Jobs Go Public through an annual unlimited arrangement – reducing costs and increasing the number and quality of applicants.
- Ongoing process and best practice improvements including the council becoming a 'disability committed' employer (replaced 'two ticks').
- New starters are automatically allocated corporate induction and diversity challenge mandatory training dates and notified of these at the point they receive their contract; compliance with mandatory training will be actively reviewed at new starters 3 month probation review meetings to ensure this is being robustly implemented.

3.5 The full action plan including the audit recommendations and management action taken is detailed in appendix 1.

4. Reasons for Recommendation

4.1 Under the Council's internal audit process, members of the Standards and Audit Committee are required to review any 'red rated' audit findings and consider the effectiveness of the measures identified to respond to the recommendations made as a result of the issues identified.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 N/A

6. Impact on corporate policies, priorities, performance and community impact

6.1 The issues highlighted in this audit report have informed a review of the Council's Recruitment and Selection policy and practice following the return of the service to the council.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer – Management Accounts

There are no financial implications to consider in relation to this report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Monitoring Officer

There were risks in the way the recruitment service was run previously that could have left the Council open to challenge by applicants. The mitigating actions taken since the transfer of the service have minimised these and there are no legal implications that need to be considered.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

There were risks in the way the recruitment service was run previously that could have left the Council open to challenge by applicants. The mitigating actions taken since the transfer of the service have minimised these and the ongoing considerations to be made are to ensure the Council remains compliant in ensuring the application process does not disadvantage or discriminate any potential applicants, for example ensuring that the best practice guidance in relation to being a 'disability committed' employer is adhered to.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Follow Up Internal Audit Action Plan Report 2016/17 – Recruitment & Selection

9. Appendices to the report

- Appendix 1 – Action Plan

Report Author:

Mykela Pratt

Improvement Manager

HR, OD & Transformation

Appendix 1 – Action Plan

The priority of the recommendations made is as follows:

Priority	Description
High	Recommendations are prioritised to reflect our assessment of risk associated with the control weaknesses.
Medium	
Low	

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Follow Up
2.1	At least 1 panel member who takes part in a recruitment panel should have received recruitment training or appropriate refresher training to ensure they are aware of the latest legislation around recruitment, the process is transparent, decisions are properly documented and the best candidates are employed.	Medium	Y	Recruitment will liaise with POD team in order to ensure relevant training is scheduled and an up to date list of managers who have attended is available for the team to cross check once interview panel members have been identified. Recruitment team to also advise managers at earliest stage that they need to have at least 1 member of the panel that has been through the Thurrock training.	Complete	The latest Recruitment and Selection training took place in March 2016 and was attended by 15 staff members. It was also noticed that a further two training days have been arranged for September and December.
2.1	It is recommended that staff are reminded of the need to ensure that probation periods are accurately recorded on the Oracle system and are in line	Medium	Y	The Recruitment Team are already aware of the different probation periods that can be applicable in certain cases and every contract is double checked	Complete and on-going	Details of probation period in Contract of Employment for 10 new employees were able to be reconciled to those recorded on the computer

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Follow Up
	with employees contract of employment. Whilst it is acknowledged that this is generally 6 months, it can vary dependent on the specific role. Failure to correctly record the probation date can result in increments being paid when a staff member is not entitled to them.			by the team which should ensure these errors do not occur.		system.
3.1	Where a professional qualification is an essential requirement of the role, a photocopy of the original certificate must be obtained, annotated as being a copy of the original, filed in their personal file and recorded on Oracle. They should not be allowed to start without this confirmation that they meet the essential criteria of the job.	High	Y	The Recruitment Team are already aware of this requirement and are ensuring this is adhered to. Every file is signed off by the Improvement Manager who also checks that this criterion has been satisfied.	Complete and on-going	Copies of Educational Qualifications and/or proof of membership were on file if they were an essential or desirable criteria of the person specification
3.2	Photocopies of original ID documents should be signed and dated to confirm the document is a true and accurate copy of the original, which has been provided as part of the eligibility checks.	Medium	Y	The Recruitment Team are already aware of this requirement and are ensuring this is adhered to. Every file is signed off by the Improvement Manager who also checks that this criterion has been	Complete and on-going	Copies of original IDs were found to have been signed and dated to confirm they were a true and accurate copy of the original.

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Follow Up
	Their passport and visa information should be recorded on Oracle.			satisfied.		
3.3	Confirmation of Appointment letters should be sent and signed by the successful candidate prior to their effective start date to confirm their formal acceptance of the offer.	Medium	Y	The Recruitment Team are already aware of this requirement and are ensuring this is adhered to. Every file is signed off by the Improvement Manager who also checks that this criterion has been satisfied.	Complete and on-going	Confirmation of Appointment letters were signed by the successful candidate prior to the effective start date.
4.4	HR should ensure that all relevant documentation is provided to them from service areas so they can get assurance that the correct processes were followed. Failure to do so could result in the Council being accused of being unfair, discriminatory or subjected to other complaints and is also not compliant with the Recruitment Policy.	Medium	Y	The Recruitment Team are already aware of this requirement and are ensuring this is adhered to. No recruitment will be progressed without a recruitment authorisation form signed off at Head of Service level. Every file is signed off by the Improvement Manager who also checks that this criterion has been satisfied.	Complete and on-going	Interview notes/score sheets and copy of tests where appropriate were on file. It was noted, however, that in 3 out of 10 cases reviewed the interview notes/score sheets were not signed and dated by the interviewers.
4.1	Whilst acknowledging that risk assessments were carried out for 2 staff where the DBS checks were not received prior to them starting, a procedure must be put in place to track	Medium	Y	Risk assessments do take place where applicable. The Council is proposing a move to online DBS checks from July 2016 where the process will be more robust in terms of following up DBS checks.	July 2016	Where there was a requirement for DBS checks, these were obtained prior to the employee starting work.

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Follow Up
	the DBS and follow up with the employee to ensure they provide details when the disclosure is received by them. Failure to do so is a breach of their conditions of employment.			The recruitment team have been briefed on ensuring DBS checks are actively followed up where risk assessments are put in place.		
4.2	Medical clearance should be carried out for all new staff and wherever possible, the results received back prior to them starting their employment. A fit note should certainly be received before their period of probation has ended to ensure they are fit for the role prior to them being offered it on a permanent basis.	Low	Y	A new starter will not be allowed to start work until a fit note has been received from OH. This process has been strengthened and streamlined with the introduction of additional business support directly linked to the OH service. Every file is signed off by the Improvement Manager prior to an employee's start date, who also checks that this criterion has been satisfied.	Complete and on-going	In all cases, medical screening was carried out prior to the employee starting work.
4.3	Successful candidates should not be allowed to start in post until two satisfactory references have been received. Therefore, it is important that requests for references are followed up promptly to ensure they are received in advance of the successful candidates starting	Medium	Y	A new starter will not be allowed to start work until two references have been received. Every file is signed off by the Improvement Manager prior to an employee start date who also checks that this criterion has been satisfied.	Complete and on-going	References had been received prior to new employees starting work.

Ref	Recommendation	Risk Rating	Agreed (Y/N)	Management Action to address recommendations	Completion Date	Follow Up
	in post.					
5.1	The mandatory corporate induction and diversity training should be provided to new staff within 6 months i.e. in most cases, before their probation period is signed off. This ensures they are aware of all the Council's main policies and procedures.	Medium	Y	Recruitment to liaise with POD team in order to ensure relevant training is scheduled to ensure this is met.	End April 2016	None of the 10 employees in our sample who had started work between April and June had been booked to undertake the corporate induction programme. It is understood this is because there was a backlog which the section are trying to clear.
5.1	The old performance targets need to be reviewed with a view to reintroducing them for monitoring purposes. In addition, it needs to be considered whether these provide the best information available or do new targets need to be introduced e.g. time taken from initial contact to awarding of the post. If targets are not used, it is difficult to measure whether the service is improving.	Low	Y	This recommendation is already underway with new KPI's being developed for the recruitment service that will be signed off by the Director of HR, OD & Transformation by the end of April 2016.	End April 2016	The Improvement Manager confirmed that the following KPI target has been agreed and some additional ones may be developed by January 2017:- "Average number of days from receipt of authorisation to recruit to successful candidate paperwork received".

29 September 2016	ITEM: 11
Standards and Audit Committee	
Disaster Recovery Update	
Wards and communities affected: All	Key Decision: Non-key
Report of: Murray James, Operational Service Lead - ICT	
Accountable Head of Service: Murray James, Operational Service Lead - ICT	
Accountable Director: Sean Clark, Director of Finance and IT	
This report is public.	

Executive Summary

The Council is currently in the process of implementing an interim Disaster Recovery (DR) solution based in the Southend on Sea Borough Council data centre which will provide access to key Council systems for a minimum of 100 concurrent users with a Recovery Time Objective (RTO) of 24 hours.

This approach will provide a minimal degree of cover allowing the Council to meet its statutory obligations whilst a strategic infrastructure solution is developed as part of the Council's refreshed Digital and ICT Strategy.

1. Recommendation(s)

- 1.1 That the committee notes the Council's progress in implementing an interim disaster recovery capability to provide minimal cover in the event of a sustained loss of service in the Council's main server room.**
- 1.2 That officers report progress to the first 2017 meeting of the Standards and Audit committee on the strategic disaster recovery solution.**

2. Introduction and Background

- 2.1 This report follows previous reports to the Standards and Audit committee in February and September 2015.
- 2.2 Thurrock Council currently host a number of mission critical systems in an onsite server room in Civic Offices. The infrastructure is largely virtualised and running on supported hardware that is within serviceable age ranges. This provides a high degree of resilience against individual component level failure

e.g. if a single server is lost the affected system(s) will automatically failover to another server without impacting service.

- 2.3 Following the closure of the Culver Centre there is no offsite failover facility. This leaves the Council exposed in the event that the main server room is lost, a situation which may arise in a number of scenarios circumstances ranging from a local power failure, to full scale destruction of the building. The building's proximity to a major port and railway lines makes it a high risk location for hosting critical applications without resilience.
- 2.4 In the event of a full scale ICT outage, access to all major internal systems, including email and telephony, would be lost.
- 2.5 Members requested that a comprehensive DR plan be developed and that this be tested in conjunction with the Council's Business Continuity Planning (BCP) capability.

3. Issues, Options and Analysis of Options

- 3.1 ICT have embarked on delivering an interim DR solution whilst the Council designs, procures and implements a "high availability" infrastructure, which aligns with the Council's strategic objectives.
- 3.2 Options considered and discarded were:
 - Do nothing – Leaving the current situation means there is no additional cost for the Council, but leaves the Council fully exposed in the event of a major infrastructure failure.
 - Cloud provisioned "Recovery as a Service" – initial market testing with a leading DR provider was carried out. This would provide a scalable model, but ongoing subscription costs of the services were high, and we would need to allow a 3 day period from invocation to having the facility available. It was therefore ruled out as a practical short term solution, but Cloud services will be reconsidered as part of the strategic solution.
- 3.2 The proposed interim solution will see elements of the existing Thurrock infrastructure relocated to Southend Borough Council's data centre, and supporting network infrastructure deployed.
- 3.3 The solution is aimed at providing minimal cover, ensuring that the Council can continue to meet its statutory obligations.
- 3.5 An initial maximum of 100 officers will have access to use the DR infrastructure. Individual directorates will nominate the individual officers, and the capacity will be reviewed during the project and subsequent testing to ensure as many officers as possible can be provisioned.

- 3.6 Individual applications have been prioritised by directorates as part of the BCP review:
- Remote VDI access
 - Email Access (including Good external email access)
 - Telephony
 - J Drive\Objective data
 - Liquid Logic LCS\IAS
 - Oracle
 - Paris
 - Saffron\Housing
 - Benefits Payment
- 3.6 The solution will be able to be invoked and fully operational within 24 hours of the loss of the Thurrock Civic Offices server room.
- 3.7 The solution allows some flexibility that can be managed within the incident, so for example if an outage occurred during school enrolment periods, the pupil management system could be prioritised.
- 3.7 The DR infrastructure will be accessible via internet connections that will allow the designated officer's to work from anywhere via the Council's VDI infrastructure.
- 3.8 A full test of the DR capability is scheduled as part of the deployment project.

4. Reasons for Recommendation

- 4.1 This interim solution will allow vital services to be delivered to a limited number of officers in the event of a DR invocation, allowing the Council to meet its minimum statutory obligations
- 4.2 The solution provides the quickest possible route to remediating the current lack of DR, and is also the most cost effective short term option available.
- 4.3 It is proposed to utilise the data centre in Southend Civic Offices. Southend has been proposed for the following reasons.
- The data centre is newly built and of a higher quality than is normal for a local authority. It is highly resilient, having dual power feeds and capacity to run on UPS for 7 hours in the unlikely event of dual power feed failure
 - There is a significant amount of vacant space in the data centre.
 - Thurrock have agreed in principle, a "quid pro quo" approach with Southend whereby we share space in each other's data centres for DR purposes – therefore there are no associated hosting costs for either party.

- Thurrock Council ICT are exploring other strategic opportunities with Southend – particularly sharing their contact centre telephony. Therefore there is potential to leverage any assets that we deploy there.
- The location is easily accessible for Thurrock ICT staff, and there is suitable space for them to work from if necessary.

4.4 Deploying the interim solution will mean that the strategic infrastructure strategy can be built on the full digital and operational needs of the Council, and not be overly influenced by the need to provide a DR capability, although resilience will be a major theme of the solution.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Approval to proceed with the Interim solution has been granted at Directors' Board
- 5.2 This paper has been reviewed by ICT/Digital board prior to submission.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 If the Council does not have robust, integrated and tested business continuity and ICT disaster recovery plans, it may be unable to deliver its statutory functions and customer facing services in the event of a major incident affecting the Civic Centre.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer – Management Accounts

- The upfront costs to set up the interim solution will total £107k (including £21k internal resource, and £20k contingency); however there will be no ongoing hosting fees as we have agreed with Southend to host their DR equipment on a reciprocal basis in return for them hosting the Thurrock equipment.
- There is already provision in the capital plan (through the Strategic Infrastructure Project) to fund this project.

- There will be a small ongoing annual revenue requirement of £1500 to cover additional licensing and support – this can be accommodated within existing budgets.
- The solution will allow the Council to avoid short term upgrades to its back-up capability, and will also remove the need to pay for off-site tape storage, which together yield a saving/avoidance of £25k (£20k up front and £5k annual ongoing).
- Failure to deliver a workable disaster recovery capability means the Council will incur avoidable costs relating to lost working hours and days in the event of a major incident.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Law & Governance

The report is to note progress - with the options outlined in the body of the report appearing essential to maintain a core service in certain critical scenarios and therefore contribute to appropriate risk management and good governance

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

Service delivery to Thurrock's most vulnerable residents will be adversely affected without robust and comprehensive business continuity and disaster recovery plans.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- None

Report Author:

Murray James

Operational Service Lead - ICT

Information and Communications Technology

29 September 2016	ITEM: 12
Standards and Audit Committee	
Update on outstanding Internal Audit Recommendations to be implemented.	
Wards and communities affected: All	Key Decision: Non-key
Report of: Gary Clifford – Chief Internal Auditor	
Accountable Head of Service: N/A	
Accountable Director: Sean Clark – Director of Finance & IT	
This report is public	

Executive Summary

The Head of Internal Audit’s Annual Report 2015/16 was presented to, and discussed by, the Standards & Audit Committee at their meeting of 14th June 2016. As part of the reporting process and to support the Head of Audit’s annual opinion on assurance around internal controls, the follow up of issues identified during the audit process is commented on to show how management have responded to implementing the recommendations by the agreed timeframe. The report identified that there were no high level but 8 medium recommendations which had not been implemented. The Standards & Audit Committee requested that these be followed up and the results reported back to this meeting.

1. Recommendation(s)

1.1 That the Standards & Audit Committee:

Consider responses to the outstanding recommendations and agree that the follow up process provides an additional level of assurance around the internal control framework.

2. Introduction and Background

2.1 The Internal Audit Protocol was agreed by members of the Standards & Audit Committee at its meeting of the 8th December 2015. The relevant section on the follow up of audit recommendations states that *“Management assurances will be sought on the status of recommendations within 1 month of their implementation date. Evidence will be sought for all recommendations categorised as high risk. For medium and low risk recommendations, management responses will be accepted without the need to provide further*

evidence. If high risk recommendations relating to key controls have not been implemented within the agreed timescale, this will be reported, in the first instance, to the Section 151 Officer who will raise their concerns with the relevant Director”.

2.2 The Standards & Audit Committee has a responsibility for reviewing the Council’s corporate governance arrangements, including internal control and formally approving the Annual Governance Statement. The follow up of audit recommendations is a key source of assurance to the Standards & Audit Committee about the operation of the internal control environment.

3. Issues, Options and Analysis of Options

3.1 The Head of Internal Audit’s Annual Report identified 8 medium recommendations that had not been implemented within the agreed timeframes. These were broken down as follows:

- 1 related to Accounts Payable around the raising of purchase orders.
- 1 related to the reconciliation of the adult social care payments system to Oracle.
- 6 related to school visits covering 4 schools.

3.2 The relevant officers within the Accounts Payable team and Corporate Finance confirmed that they have addressed the issues identified within the audit review process and action has been taken to implement them.

3.3 In respect of the outstanding recommendations identified within the schools, 1 of the recommendations has been deferred whilst a decision is made on when the school will become an academy. In the case of the other 5 recommendations, we have received positive email responses from the relevant staff within the school confirming that all recommendations have been actioned.

3.4 The key findings of these reports and updated responses are shown at Appendix 1.

4. Reasons for Recommendation

4.1 To assist the Standards & Audit Committee in satisfying itself that management react positively to internal audit recommendations and provide additional assurance around the internal control environment.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 The follow up of audit recommendations is discussed with relevant management and reported as part of the internal audit progress report presented periodically to the Standards & Audit Committee. They are also reported annually as part of the process for forming an opinion on internal control through the Head of Internal Audit’s Annual Report.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The Council's corporate priorities were used to inform the annual audit plan 2015-16. Recommendations made are designed to further the implementation of these corporate priorities.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer

As this report is an update for information purposes only, there are no direct financial implications arising from this report. However, it is important that the authority maintains adequate internal controls to safeguard the authority's assets. This is not to say that audit recommendations do not have financial implications but these are for management to identify and contain within existing budgets.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Law & Governance

As this report is an update for information purposes only, there are no adverse legal implications relating to this progress report.

7.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

As this report is an update for information purposes only, there are no adverse diversity implications relating to this progress report.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. Background papers used in preparing the report:

- Internal Audit Reports issued in 2015/16 where there are outstanding medium recommendations.

9. Appendices to the report

- Appendix 1 – Update for members of the Standards & Audit Committee on the follow up of the 8 medium recommendations which were highlighted in the Head of Internal Audit Annual Report 2015/16 presented to the Committee on 14th June 2016.

Report Author:

Gary Clifford

Chief Internal Auditor

Thurrock Council Internal Audit Service, Corporate Finance

Update for members of the Standards & Audit Committee on the follow up of the 8 medium recommendations which were highlighted in the Head of Internal Audit Annual Report 2015/16 presented to the Committee on 14th June 2016.

Audit Area	Recommendation	Management Response	Update
Accounts Payable	It is recommended that invoices which should have a corresponding purchase order but do not have one are not processed until the order has been raised and approved appropriately. Staff are to be reminded that purchase orders need to be raised on the iProcurement system.	All supplier invoices are returned to the ordering department if the invoice does not have a PO number, the policy is no PO no pay. The only exceptions to this are those agreed by Sean Clark, which are predominantly payments to individuals such as refunds etc. We will draft an email to all requisitioners advising that orders should be raised prior to receiving goods or services, as opposed to retrospective. The %age of retrospective orders is monitored for manual invoices and reported to Senior Management as part of the BVPI08.	Actioned. An email reminder was sent to all requisitioners reminding them of the need to raise the order prior to receiving the goods or services. In addition, regular reminders are sent to all budget holders (weekly or 2 weekly) identifying all purchase orders where the invoice is on hold as a receipt has not been entered onto the system.
Adult Social Care Expenditure	Regular reconciliation of ContrOCC data to the General Ledger should be reinstated to ensure that the two systems agree and accurately reflect expenditure for adult social care.	The process has already been started to reconcile the two systems back to April and going forward this will be a monthly exercise carried out by Corporate Finance.	Actioned.
Arthur Bugler Primary School	In accordance with the Fin Regs all orders over £5k must be approved by a Governor in addition to the	Agreed	Response received 14/09/16 from the Headteacher – This is now

Audit Area	Recommendation	Management Response	Update
	<p>Headteacher. All purchase orders must be raised in the first instance, before goods are received to ensure management information reports are up to date.</p>		<p>in place.</p>
	<p>It is recommended that all portable and valuable IT equipment be locked in a secure location overnight. Whilst leaving them out would not invalidate the insurance, if they are in plain view it could increase the risk of theft.</p>	<p>The school will look into purchasing a lock-up cabinet</p>	<p>Response received 14/09/16 from the Headteacher - We have purchased a cabinet which is located in the ICT suite.</p>
	<p>Forms must be completed for all claims and must be clear. They should be checked by the Headteacher, to ensure correct payments are made before submission to Essex County Council. Any forms handed to the office staff that are unclear, should be handed back to the claimant to re-do, without any crossings out. This will help reduce the likelihood of error.</p>	<p>Agreed</p>	<p>Response received 14/09/16 from the Headteacher – Now fully in place.</p>
<p>Bonnygate Primary School – Follow up</p>	<p>The recommendation was around the need to update the school's Financial Regulations to reflect the current arrangements within the school.</p>	<p>This has been deferred as the school is in the process of looking at becoming an academy so a new set of regulations will be needed at that time.</p>	<p>If the school do not become an academy by April 2017, the regulations will be updated as part of the budget planning process. This will need to be followed up at that stage.</p>

Audit Area	Recommendation	Management Response	Update
Horndon-on-the-Hill Primary School	Letters need to be sent out to parents as soon as they start to get in arrears on paying their child's dinner money. If necessary, when the arrears reach £10, the parents should be asked to supply sandwiches until the debt is repaid. This will reduce the likelihood of arrears escalating further.	Agreed	Response received 12/09/16 from School Administration Officer - I can confirm your recommendations have been adhered to. Dinner letters are sent out monthly and should there be a debt on the child's account, children need to bring sandwiches.
Orsett Primary School	To ensure appropriate authorisation of expenditure is taking place, all items must be supported by an official authorised order before the purchase is made This will ensure management reports are kept up to date and accurately reflect the school's financial position.	Staff will be informed to make sure the office are aware of items being ordered.	Response received 01/09/16 from the Headteacher - Please be assured that the recommendation regarding the authorising of expenditure is in place before a purchase is made.

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**Standards and Audit Committee
Work Programme
2016/17**

Dates of Meetings: 14 June 2016, 8 September 2016, 15 November 2016, 28 February 2017.

Topic	Lead Officer	Requested by Officer/Member
14 June 2016		
Refresh of the Strategic/Corporate Risk and Opportunity Register	Andy Owen	Officer
Final Progress Report	Gary Clifford	Officer
Head of Internal Audit Annual Report 15/16	Gary Clifford	Officer
Annual RIPA Report	Lee Henley	Officer
Financial Statement Update	Johnathan Wilson	Officer
Internal Audit: Red Reports (as required)	Relevant Director	Officer
Work Programme	Democratic Services Officer	Officer
29 September 2016		
2015/16 Complaints Report	Lee Henley	Officer
2015/16 Access to Records Report	Lee Henley	Officer
Annual Governance Statement 2015/16	Ernst & Young and Johnathan Wilson	Officer
Audit Results Report 2015/16	Ernst & Young and Sean Clark	Officer
Disaster Recovery Update	Sean Clark/ Gary Staples	Member
Update on outstanding Recommendations	Gary Clifford	Member

to be implemented.		
Internal Audit: Red Reports (as required)	Relevant Director	Officer
Work Programme	Democratic Services Officer	Officer
15 November 2016		
Annual Audit Letter 2015/16	Ernst & Young and Sean Clark	Officer
6 Monthly RIPA Activity Report	Lee Henley	Officer
Counter Fraud Update	David Kleinberg/ Sean Clark	
Review of the Strategic/Corporate Risk and Opportunity Register In Quarter 3 Report.	Andy Owen	Officer
Internal Audit Progress Report	Gary Clifford	Officer
Internal Audit Service Update Report	Gary Clifford	Officer
Internal Audit: Red Reports (as required)	Relevant Director	Officer
Work Programme	Democratic Services Officer	Officer
28 February 2017		
Audit Planning Report 2016/17 and Certification of Claims Report 2015/16.	Ernst & Young and Sean Clark	Officer
Six Monthly Complaints Report	Lee Henley	Officer
Internal Audit 3 Year Strategy and Draft Internal Audit Plan 2017/18	Gary Clifford	Officer
Internal Audit Progress Report	Gary Clifford	Officer
Risk and Opportunity Management – Annual Review	Andy Owen	Officer
Internal Audit: Red Reports (as required)	Relevant Director	Officer
Work Programme	Democratic Services Officer	Officer