

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Standards and Audit Committee

The meeting will be held at **7.00 pm** on **10 March 2022**

South Essex College, High Street, Grays, RM17 6TF – Room W1.23

Membership:

Councillors Cathy Kent (Chair), Graham Snell (Vice-Chair), Adam Carter, Gary Collins, Augustine Ononaji and Kairen Raper

Charles Clarke, Co-opted Member

Lisa Laybourn, Co-opted Member

Substitutes:

Councillors John Kent, Shane Ralph, Sue Sammons and David Van Day

Agenda

Open to Public and Press

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1 Apologies for Absence	
2 Minutes	5 - 10
To approve as a correct record the minutes of the Standards and Audit Committee meeting held on 25 November 2021.	
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.	
4 Declaration of Interests	
5 Mid-Year Complaints & Enquiries Report - April 2021 - September 2021	11 - 68

6	Internal Audit Progress Report 2021/22	69 - 80
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9	Audit Progress Report for the Year Ended 31 March 2021	117 - 130

Item 10, Appendix 3 Only - Exclusion of the Public and Press Members are asked to consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information

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Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **2 March 2022**

Information for members of the public and councillors

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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.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Standards and Audit Committee held on 25 November 2021 at 7.00 pm

Present: Councillors Cathy Kent (Chair), Graham Snell (Vice-Chair), Adam Carter, Augustine Ononaji, Kairen Raper and Shane Ralph (Substitute) (substitute for Gary Collins)

Charles Clarke, Co-Opted Member

Apologies: Councillor Collins
Lisa Laybourn, Co-Opted Member

In attendance: Sean Clark, Corporate Director Resources and Place Delivery
Gary Clifford, Chief Internal Auditor
David Kleinberg, Assistant Director for Counter Fraud & Investigations
Rachel Brittain, Binder Dijke Otte (BDO)
Matthew Weller, Binder Dijke Otte (BDO)
Jenny Shade, Senior Democratic Services Officer

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

21. Minutes

Minutes of the Standard and Audit Committee held on the 9 September 2021 where approved as a correct record.

Councillor Ononaji referred to page 8, paragraph 8 of the agenda:

“Councillor Ononaji referred to the 57 reports of suspected fraud that had been received and questioned whether these were internal or external frauds to which David Kleinberg stated he did not have those figures to hand but would include those statistics in the next committee report.”

He asked whether these figures were available this evening to which David Kleinberg stated these would be included as an addendum in the next report.

22. Items of Urgent Business

There were no items of urgent business.

23. Declaration of Interests

There were no declarations of interest.

24. Regulation of Investigatory Powers Act (RIPA) - Activity Report 2021/22 (April to September)

Sean Clark stated it had been considered best practice to bring this report to committee on a regular basis due to there being some concerns around the misuse of the Regulation of Investigatory Powers Act (RIPA) in the past. The report had set out the amount of activity there was under RIPA and National Anti-Fraud Network (NAFN). There were no RIPA surveillance authorisations processed during this period and six requests made to the NAFN. Sean Clark stated that reporting no RIPA surveillance was just as important and clarified that low numbers of RIPA authorisations were a result of the Council utilising other forms of investigation. Members were reminded that outcomes from the RIPA surveillance authorisations could not be summarised in detail to members.

Councillor Ononaji stated that the report was not very detailed and questioned whether the low numbers had indicated no activities in the borough or whether the department were doing enough. David Kleinberg stated the Council had a wide range of powers available and some of those, such as RIPA, were intrusive. For example in trading standards it may be taking action against a consumer crime using a separate power rather than an intrusive option. Some cases would continue by simply using a different route rather than the intrusive powers of RIPA. David Kleinberg reassured members that the team were very busy and based on how a particular case was approached to make sure it was the least intrusive way of impacting members of the public.

Councillor Ononaji stated that committee members should be entitled to more information to which David Kleinberg stated this was due to data protection requirements and to ensure that an on-going investigations would not be compromised as a result of any disclosure of information. This would depend on the conclusion of investigations and how long these may take and also those being investigated having the right to privacy. That the Council followed the law and this was an ultimate intrusive power and used sparingly. Sean Clark stated that these requests were not just signed off by himself, they would need to go in front of the courts to be signed off, that regular audits would be undertaken by the Investigatory Powers Commissioners Officer and results of those audits would be reported back to this committee.

Councillor Ralph questioned what the criteria was for this action to be undertaken to which David Kleinberg stated there needed to have been a serious crime in law, defined as any offence where the starting point for this custody had been six months or more – fraud, theft, corruption. That there was a very high threshold which must be met and would be seen as an investigation phase. Sean Clark clarified also that there would be review dates to ensure that it was actually doing what it said it was going to do and not being too intrusive for example for in cases affecting minors.

Councillor Snell questioned whether in the different types of fraud and trading standards were other law enforcement agencies referred to such as Border Force. David Kleinberg stated they were collaborative, joint working and

shared intelligence as those committing offences tended to be targeting areas dealt with by multiple agencies with multiple victims. There would be a joint enterprise between the Council and other agencies, such as Essex Police, Border Force. At the two ports in the borough there were Council staff working side by side with Border force.

Councillor Snell questioned whether the Council had the final say as to whether the RIPA request would be used to which David Kleinberg stated that if the Council had a statutory duty to investigate then it would be the Council's decision. If it was a Border Force responsibility the onus would be on them to approve the activity. This would fall down to who would be responsible for the investigation rather than surveillance action.

RESOLVED

That the statistical information relating to the use of RIPA for the period April 2021 to September 2021 were noted.

25. Internal Audit Progress Report 2021/22

Gary Clifford stated that the Internal Audit Plan 2021/22 was discussed by the Standards and Audit Committee on the 11 March 2021. This progress report covered final reports issued since that report to the Standards and Audit Committee, the draft reports issued and the work in progress.

Councillor C Kent asked for clarification on the number of auditors in the team to which Gary Clifford stated there were two full time and one term time members of the staff in the team. Two auditors had left during the pandemic and would be looking to recruit two internal auditors. Councillor C Kent questioned when these would be recruited and how long the recruitment process would take to which Gary Clifford stated this would take two to three months, this would be longer than a normal recruitment exercise based on the skills set of internal auditors.

Councillor Ononaji referred to the impacted upon delivery of the audit plan due to those two auditors leaving the team and questioned whether agency staff should now be used. Gary Clifford stated that the Council had a framework agreement with Croydon Council, using Mazars, who could be pulled in to pick up work and had been used in the past on the IT Audits. Sean Clark agreed to pick this up outside the meeting.

Councillor Raper referred to the Planned Maintenance (Housing) review and questioned whether 30% of stock would be a big enough sample. Gary Clifford stated this figure was the response from the service and stated he was happy with this figure as local authorities could not undertake a check of 100% of the housing stock over a single year.

Councillor Raper questioned whether the tracking of training was now being recorded to which Gary Clifford stated training was now being recorded on Oracle.

Councillor Carter questioned how the 30% sample of housing stock was selected to which Gary Clifford stated this was undertaken randomly.

RESOLVED

That the Standards and Audit Committee considered the reports issued and the work being carried out by Internal Audit in relation to the 2021/22 audit plan.

26. Counter Fraud & Investigation Performance Report Q2

David Kleinberg presented the report that outlined the performance of the Counter Fraud and Investigation team over the last quarter for Thurrock Council as well as the work the team had delivered nationally for other public bodies. Members were referred to the performances of the department and the proactive work plan for 2020/21. That the COVID systems put in place to test the information against credit references data had been very positive and would be looking to roll this out in other services in teams such as social care who also accessed for peoples eligibility to services.

Councillor Ralph referred to the COVID grant funding and questioned whether the investigations would be ongoing to which David Kleinberg stated these would continue with the grant programme and would be reported back to the committee.

Councillor Snell referred to housing fraud and the patterns of the type of frauds being committed and questioned whether there was anything that could be done pro-actively at the start of the process. David Kleinberg stated that Thurrock was unique in that it had a lot of front line staff working side by side with our teams working on the estates and working with residents that has proved the easiest way to spot a potential fraud. That a lot of work and training had been undertaken with the estates care takers and housing officers who go out into the estates and support our tenants.

Councillor Carter questioned how Thurrock compared to their statistical neighbours to which David Kleinberg stated that a lot of authorities did not have a counter fraud team, this activity would sit in their internal audit function. That Thurrock had invested heavily in protecting the council and the results had proved that it was worthwhile, a testament to the work undertaken in Thurrock.

Charles Clarke referred to the 90 reports of suspected fraud and the 144 active investigations that were currently being investigated and questioned whether there were some cases from previous quarters still going through. David Kleinberg stated that yes some cases would cross over financial quarters. Charles Clarke stated the trend was that housing had the highest number of cases and questioned what could be done to reduce and prevent those figures from growing. David Kleinberg stated this was a very difficult area particularly with COVID and housing fraud especially difficult when trying

to prove that a resident was sub-letting but living elsewhere when people were being told to stay at home. That tactics were changed and that piece of work had been reactivated now that restrictions had eased.

Charles Clarke referred to the COVID grant fund cases and questioned whether this was a reflection on what came back into the Council and whether there was motive to do more investigations to recover more money. David Kleinberg stated that a different focus has been undertaken with some good successes. Referred to an organised crime attack on the grant scheme during COVID with Thurrock now leading on the national response on that organised crime in those schemes.

Councillor Ralph questioned whether the Council shouted about the successes in providing its services to others to which David Kleinberg stated this was quite difficult as the Council provided investigation services to government agencies who owned an activity. So as the Council did not own the activity, only provided the service, it was quite hard to shout about it as this was not the Council's work or responsibility. David Kleinberg reported to the committee that Thurrock's national counter fraud function had been nominated and were finalists for the Tackling Economic Crime Awards for its collaboration with Government with the winners being notified next month and would let the committee know at the next committee.

RESOLVED

That Standard and Audit Committee commented on the performance of the Counter Fraud & Investigation Department.

27. Work Programme

Sean Clark stated that Members were provided with an update at the last meeting on the pressures that were being faced with external audits across the country. That the Audit Completion Report and the Financial Statements and Annual Governance Statement 2020/21 Report should have been brought to this committee this evening but this had not been possible due to the timescales and the level of work still to be undertaken to complete and the review process that external auditors needed to carry out. That an extraordinary meeting would be requested and would work with BDO on a date as the work progressed but they were near to conclusion. Rachel Brittain reassured the committee the work was progressing well and had made good tracks into the amount of testing that had to be done but just not at the stage to complete the report and present those conclusions to this committee at this stage.

Members agreed to an extraordinary meeting of the committee to be held in February 2022 to which the Chair asked for a Hold Meeting to be added to the work programme and calendar invites to be sent out to all committee members.

Members agreed the statutory items on the work programme for the next meeting.

The meeting finished at 7.45 pm

Approved as a true and correct record

CHAIR

DATE

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Democratic Services at Direct.Democracy@thurrock.gov.uk**

10 March 2022	ITEM: 5
Standards and Audit Committee	
Mid-Year Complaints & Enquiries Report – April 2021 – September 2021	
Wards and communities affected: All	Key Decision: Non-key
Report of: Lee Henley - Strategic Lead Information Management	
Accountable Strategic Lead: Lee Henley – Strategic Lead Information Management	
Accountable Directors: Jackie Hinchliffe – Director of HR, OD & Transformation Matthew Boulter – Interim Monitoring Officer	
This report is: Public	

Executive Summary

- The number of complaints received for the reporting period is 827. For the same period last year the figure was 520, therefore the reporting period represents an increase in complaints received.
- Details of the top 10 complaint areas are detailed within Appendix 1.
- A summary for Adult Social Care complaints is attached as Appendix 2.
- A summary for Children Social Care complaints is attached as Appendix 3.
- During the reporting period, 34% of complaints were upheld. This is slightly higher than the same period last year, which identified 32% of complaints as upheld. However the target is 38% so this is positive.
- For the reporting period, 86% of complaints were responded to within timeframe. This is below the 90% target and represents a dip in performance from last year, where 88% were responded to within timeframe.
- A total of 130 MP enquiries were received, of which 98% were responded to within timeframe. This is above the 90% target and represents improved performance compared to last year’s figures of 89% within timeframe from 155 received.

- A total of 2407 member enquiries were received, with 93% responded to within timeframe. This exceeds the target of 90% however, it represents a dip in performance compared to last year's figures of 2018 received with 95% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 5 days.
- Member enquiries continue to increase in volume, requiring significant capacity and resources across the council. The cost of processing Member Enquiries across our service areas is estimated at £215k each year. Members need to drive forward the use of appropriate digital methods for reporting issues. Member enquiries/complaints should operate as an escalation where normal processes have failed.
- The council received 832 external compliments within the reporting period compared to 402 during last year.
- The Housing Ombudsman (HO) asks all Landlords to complete and publish a self-assessment of their compliance with the HO Complaints Handling Code. The council's self-assessment has been published and is attached as Appendix 4.
- Due to a change in complaints process, the percentage of complaints escalating onto Stage 2 has reduced.

1. Recommendation(s)

1.1 To note the statistics and performance for the reporting period.

2. Introduction and Background

- 2.1 This report sets out the council's complaints statistics for the period 1 April 2021 to 31 September 2021.
- 2.2 Adult Social Care (ASC) and Children's Social Care (CSC) have separate statutory complaints procedures.
- 2.3 Top 10 complaint themes have been produced and are attached as Appendix 1. The Corporate Complaints Team work with services to establish the root cause for complaints received, to identify reasons for complaint escalation and to establish the reasons why complaints are upheld.
- 2.4 **Ombudsman Enquiries and/or compensation payments**

The table below provides a summary of:

- Enquiries where the Local Government and Social Care Ombudsman (LGSCO) and/or the Housing Ombudsman (HO) have reached a final decision on cases within the reporting period.
- Other payments made as a form of complaint resolution.

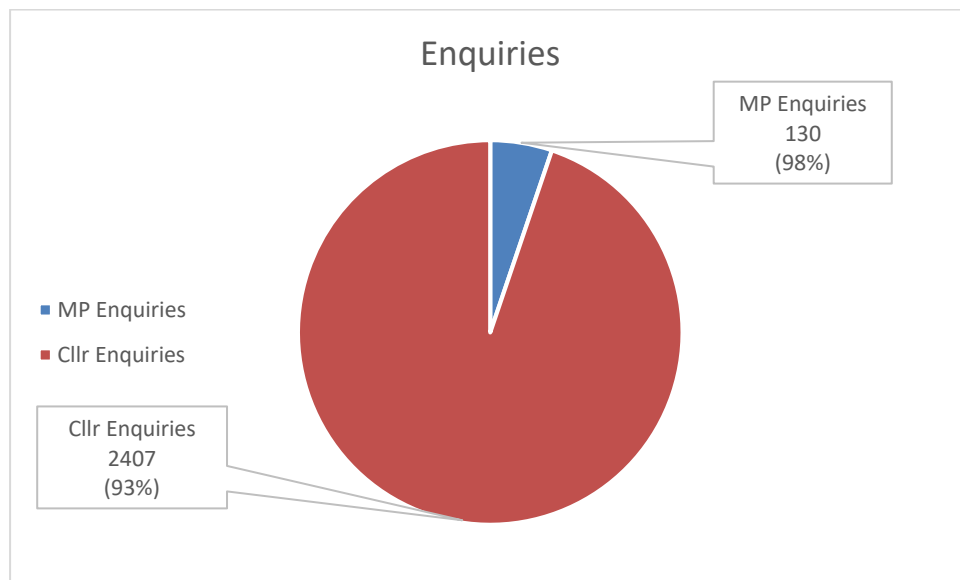
Area	Issue Nature	Ombudsman Findings or complaint status	Financial Remedy	Learning where relevant	Did the council respond to the LGSCO or HO timeframes
Housing - Repairs	Complaint in relation to handling of drainage issues at a property	Finding of fault / Service failure	£250	No specific learning, as the LGSCO finding was disputed by the council due to the complexities of this case	Yes
Housing - Allocations	Complaint in relation to resident being offered a property away from their family who provides support.	Insufficient evidence of fault	N/A	N/A (no fault)	Yes
Resourcing & Place Delivery – Business Rates	Complaint regarding handling of application for small business grant fund	Finding of fault / Service failure	£200	The grant payment that should have been provided under the grant fund was issued. There was no associated learning in this case, as the council disputed the findings of the LGSCO	Yes
Housing - Allocations	Complaint regarding handling of request to be reallocated	Insufficient evidence of fault	N/A	N/A (due to insufficient evidence of fault)	Yes
Housing- Anti-Social Behaviour	Complaint regarding handling of ASB reports	No maladministration	N/A	N/A (no fault)	Yes
HR&OD - Complaints	The council failed to respond to the resident's initial escalation request and provided incorrect advice when she chased her escalation request, which caused confusion and delays	Finding of fault / Service failure	£150	Training session carried out in the complaints team to cover off identifying complaints.	Yes
Housing - Repairs	Complaint regarding quality of repairs	No maladministration	N/A	N/A (no fault)	Yes

	and time taken to complete				
Resources & Place Delivery – Council Tax	Resident was pursued for a council tax debt relating to a property that they were not living at	Stage 2 Complaint - Upheld	£484	This has been addressed with the Debt Collecting Agency and it has been agreed that any new addresses should be validated by confirming a Date of Birth match before action is taken in the future	N/A as this was a Stage 2 complaint
HR/OD – Complaints	<p>Resident emailed from his partners email address and asked that emails be sent back to his personal email address</p> <p>However the Complaints Team contacted him twice via his partners account, including sending the first complaint response to the partners address</p> <p>Resident advised he did not receive the response and therefore had to chase this up with the Complaints Team</p>	Stage 2 Complaint - Upheld	£25	Complaints Team have been reminded of the need to be vigilant when responding to emails and ensuring responses go to the correct address	N/A as this was a Stage 2 complaint
Housing - Voids	Delays in repairs being completed	Stage 2 Complaint - Upheld	£48	All staff have been reminded of the importance of ensuring that when repairs are reported, they are processed in line with the repairs policy to avoid delays	N/A as this was a Stage 2 complaint

2.5 MP and Members Enquiries

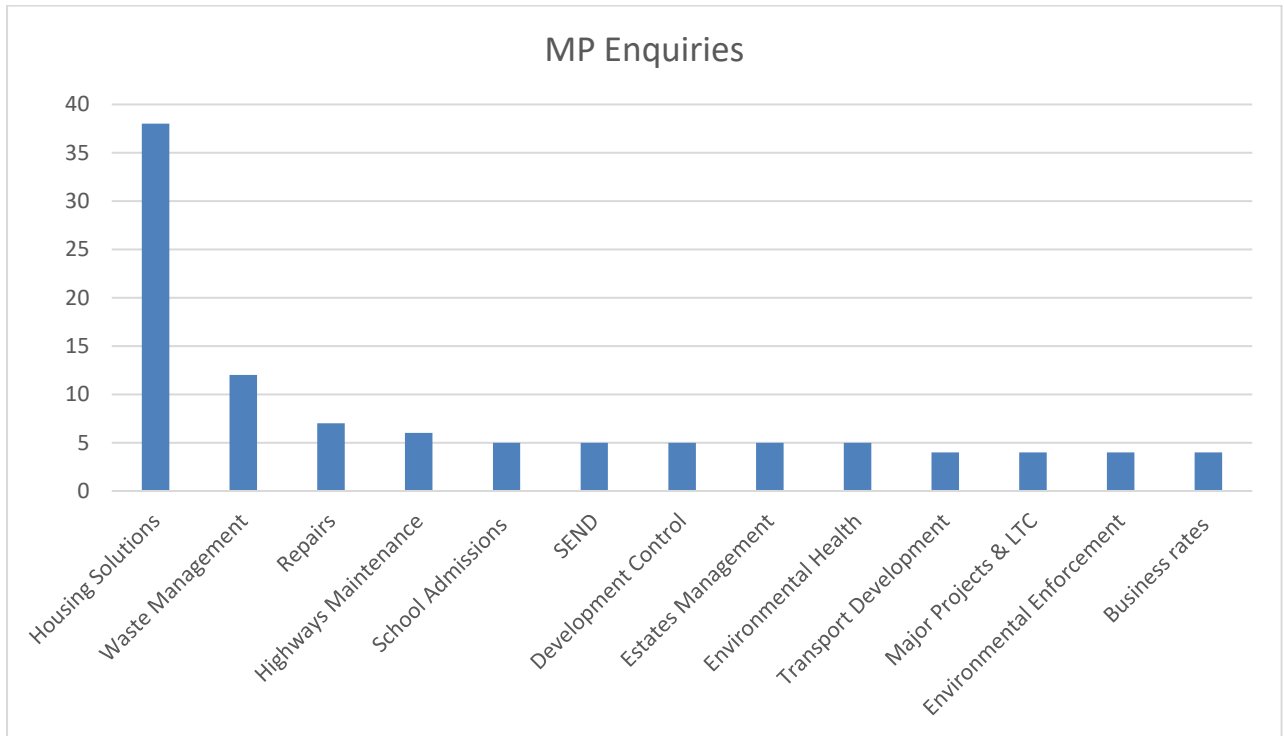
2.5.1 During the reporting period enquiries were received as follows:

- 2407 member enquiries were received, with 93% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 5 days.

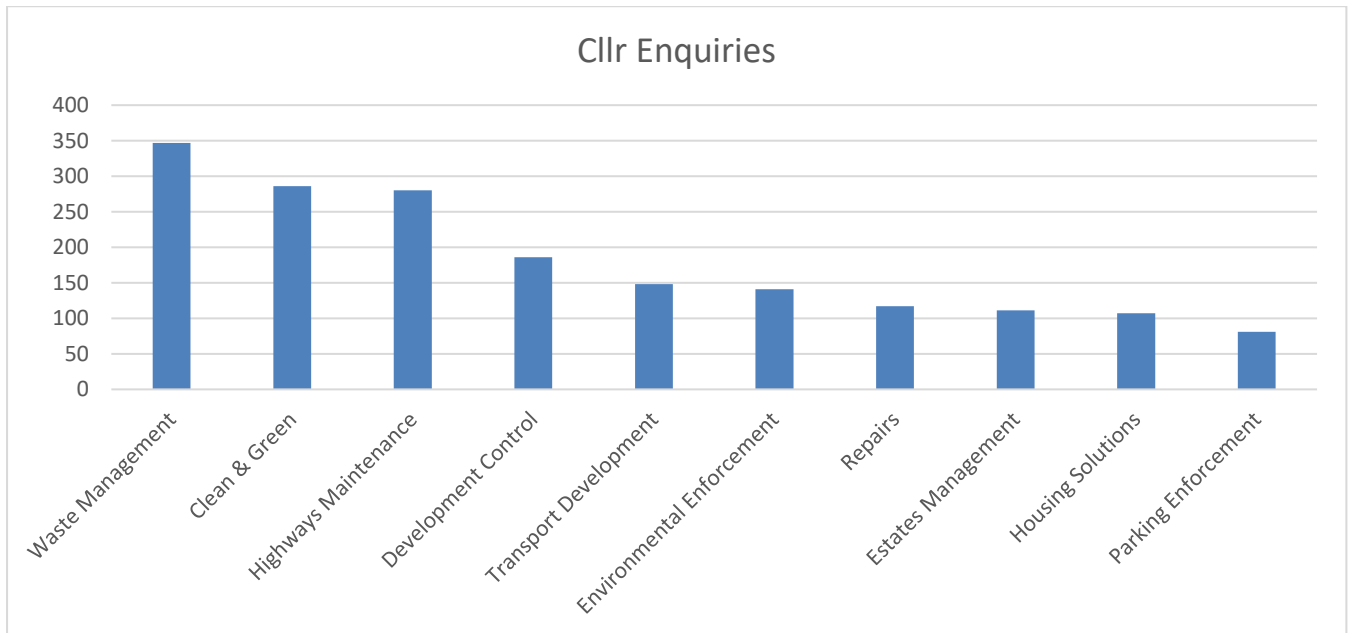


- A total of 130 MP enquiries were received, of which 98% were responded to within the timeframe.

2.5.2 MP enquiry trends and common themes are outlined below:



2.5.3 Councillor enquiry trends and common themes are outlined below:



2.6 Learning lessons from complaints

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 shows the top 10 complaint themes

and a summary of high level learning from upheld complaints which has been identified for each area.

2.7 Complaint investigation costs

Complaints which escalate through the complaints procedure can result in additional costs to the council in terms of officer time. Based on analysis it has been estimated that a stage 1 complaint costs £46, a stage 2 complaint costs £81 and a stage 3 complaint costs £130. As such complaint investigation costs for the reporting period are as follows:

Note – This is based on complaints closed (so will be different to the complaints received figure in the Executive Summary)

Complaint stage	No of complaints	Associated cost
Stage 1	712	£32,752
Stage 2	76	£6156
Stage 3	7	£910

2.8 Alternate Dispute Resolution

Alternate Dispute Resolution (ADR) has been embedded within the corporate complaints process for several years and is implemented as a mechanism to resolve complaints swiftly should the complainant request escalation. This involves assessment of the presenting issues by the Complaints Team and appropriate recommendations being made. It can also include mediation with the complainant, the service or advising of onward referral to the appropriate Ombudsman.

Complainants are seeking resolution and welcome the involvement of a neutral third person who will be able to assist both the complainant and the service in negotiating a settlement to their complaint.

Costs for independent investigations for both children and adult social care services differ depending upon complexity of the case, length of the investigation and in particular the need for independent persons in addition to an independent investigating officer for children's services. However, initial data analysis has shown that on average these costs are:

Adult Social Care	£3000 per complaint investigation
Children's Social Care	£1800 per stage 2
		...	£1000 per stage 3

Within the reporting period there were 0 ADR's undertaken.

2.9 Social Care Complaints & Representations

Appendix 2 provides a summary dashboard for Adult Social Care.

Appendix 3 provides a summary dashboard for Children's Social Care.

2.10 Complaint channels

There are various means for complainants to register expressions of dissatisfaction. The top themes for the reporting period are shown below:

Digital channel (email, social media, website)	88%
Telephone	10%
Complaints Form	1%
Letter	1%

2.11 Compliments

The council received 832 external compliments within the reporting period compared to 402 from last year. A breakdown is shown below:

Area	Volume
Housing	50
Public Realm	59
Strategy, Engagement & Growth	665
HR, OD & Transformation	1
Children Social Care	10
Education	9
Adult Social Care	37
Libraries	1
Total	832

2.12 Complaints that fall within the Housing Ombudsman Jurisdiction

The Housing Ombudsman (HO) have produced a Complaints Handling Code that the council must comply with. A self-assessment of this code has been undertaken (see Appendix 4) and this is published on the council's website.

Complaints in scope of this code are those complaints whereby the council has a Landlord responsibility, therefore will not include the following as they will continue to be picked up by the Local Government and Social Care Ombudsman.

- Allocations
- Homelessness
- Private sector housing

2.13 Complaints Process

From the 1 April 2021 the council:

- Moved to a two-stage complaints process for all complaints (excluding Adult and Children Social Care Complaints). Prior to this a three-stage process was in place
- Increased its timeframes to respond to Stage 1 complaints from 7 working days to 10 working days

The primary reason for the above change was to improve the customer experience in relation to complaints, by improving the quality of Stage 1 complaint responses and therefore reducing the number of escalations (getting it right first time).

The figures below show that the change to process was effective, as the percentage of complaints that escalated to Stage 2 has reduced.

- 2020/21 – 14% of Stage 1 responses escalated to Stage 2
- 2021/22 (April – Sept) - 7% of Stage 1 responses escalated to Stage 2

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 Customer and Demand 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: **Jonathan Wilson**
Assistant Director Finance

The financial implications are set out in the body of the report.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer

Given that this is an update report for noting there are no legal implications directly arising from it. The following points should be noted by way of background information:

- 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 Smith**
Strategic Lead Community Development and Equalities

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

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

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 – Top 10 complaint themes
- Appendix 2 – ASC complaint dashboard
- Appendix 3 – CSC complaint dashboard
- Appendix 4 – Self-Assessment Housing Ombudsman

Report Author:

Lee Henley

Strategic Lead Information Management

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Appendix 1

High-level summary:

2021/22 – Mid-Year Complaints Report

Top Ten Complaints Areas

The areas receiving the highest number of complaints are outlined below together with the individual learning for each area grouped by Directorate. Figures in brackets below represent 2020/21 data.

Directorate & Area	S1 rec'd	% upheld	S1 escalated	S2 rec'd	% upheld	% of S2 upheld, that were not upheld at S1	S2 escalated	S3 rec'd	% upheld	% of S3 upheld, that were not upheld at S2
Public Realm - Waste Management	229 (62)	45% (44%)	21 (10)	21 (26)	52% (54%)	18% (43%)	3 (0)	3 (0)	100% (0%)	0% (0%)
Housing –Repairs	84 (41)	45% (39%)	5 (7)	5 (8)	20% (13%)	100% (0%)	0 (1)	0 (1)	0% (0%)	0% (0%)
Housing – Housing Solutions	52 (39)	19% (33%)	11 (4)	11 (13)	9% (23%)	0% (0%)	0 (1)	0 (1)	0% (0%)	0% (0%)
Public Realm– Clean & Green	41 (14)	24% (36%)	2 (1)	2 (5)	100% (40%)	0% (0%)	0 (0)	0 (0)	0% (0%)	0% (0%)

Housing – Estates Management	36 (32)	22% (16%)	6 (12)	6 (21)	33% (29%)	50% (33%)	0 (2)	0 (2)	0% (0%)	0% (0%)
Resources & Place Delivery – Council Tax	35 (17)	26% (18%)	3 (2)	3 (3)	33% (0%)	0% (0%)	0 (0)	0 (0)	0% (0%)	0% (0%)
Public Realm– Development Control	31 (12)	13% (25%)	3 (2)	3 (2)	33% (0%)	100% (0%)	0 (2)	0 (2)	0% (100%)	0% (100%)
Public Realm - Highways Maintenance	19 (4)	32% (25%)	2 (0)	2 (4)	0% (50%)	0% (0%)	0 (0)	0 (0)	0% (0%)	0% (0%)
Public Realm - Environmental Health	20 (4)	0% (0%)	0 (0)	0 (0)	0% (0%)	0% (0%)	0 (0)	0 (0)	0% (0%)	0% (0%)
Public Realm – Parking Enforcement	18 (4)	11% (25%)	0 (0)	0 (9)	0% (11%)	0% (0%)	0 (0)	0 (0)	0% (0%)	0% (0%)

High Level Learning for Top 10 Areas:

Directorate and Area	High Level learning identified from complaints
Public Realm - Waste Management	<ul style="list-style-type: none"> • Additional attention to be given to address operational issues, such as bins not being returned to collection points • Crews reminded that waste collections must not start prior to 5am • Ensure that all applications for assisted collections are processed in a timely manner • Introduction of a monitoring system, to ensure that when a non-collection occurs, the relevant address is then flagged to collection crews, to ensure bins are collected the following week
Housing – Repairs	<ul style="list-style-type: none"> • Mears staff reminded of the importance of creating audit notes on repair records to ensure the progress can be tracked and any causes for delay are recorded • Ongoing monitoring of Mears calls will be undertaken to allow the identification of any training requirements • Review of resources being allocated to various work streams, to allow closer monitoring of the progression of works for Mears cases • Mears reminded of the importance of following correct processes, in relation to referring concerns regarding a residents medical needs to the Quality Assurance team
Housing – Housing Solutions	<ul style="list-style-type: none"> • Staff reminded to ensure that all possible contact methods are used when attempting to make contact with a resident

	<ul style="list-style-type: none"> • A new process has been implemented to ensure that in the event an officer leaves the council, their cases are distributed amongst the team • Changes made to the way any reports of IT errors are handled. Any notification of an error is now picked up and actioned immediately to prevent any possible delays
Public Realm – Clean & Green	<ul style="list-style-type: none"> • The Contact Centre have been provided with the staffing details of the Tree Team, to allow for contact to be made in the event of any staff absence • Staff reminded of the important of ensuring all phone calls from residents are returned • All staff reminded of importance of ensuring that areas must be left tidy after grass cutting works are completed
Housing – Estates Management	<ul style="list-style-type: none"> • Ensure that when any process changes are implemented, the new process is clearly communicated to staff to avoid any incorrect advice being provided to residents • Content of letters relating to tenancy audits have been updated to ensure that they are more customer friendly
Resources & Place Delivery – Council Tax	<ul style="list-style-type: none"> • The automated message on Council Tax emails, have been amended to reflect the correct expected response timeframes • Staff reminded of the importance of reviewing all emails received, to ensure residents have provided all requested information
Public Realm – Development Control	<ul style="list-style-type: none"> • Measures implemented to ensure Enforcement Notices are correctly registered

Public Realm - Highways Maintenance	<ul style="list-style-type: none"> • Staff reminded of the importance of ensuring that initial communications regarding Vehicle Crossover Applications is clear to ensure residents are aware of the full process • The wording in emails to residents relating to refunds have been reworded, so that residents are clear that Highways will make a request to Finance to process a refund (instead of stating Highways have processed a refund).
Public Realm - Environmental Health	<ul style="list-style-type: none"> • There are No upheld complaints to obtain learning from in this reporting period
Public Realm – Parking Enforcement	<ul style="list-style-type: none"> • Refresher training to be provided to all officers who are responsible for support service request responses, in order to provide a better customer service.

High Level Learning for other Housing Areas that fall within the Housing Ombudsman Jurisdiction:

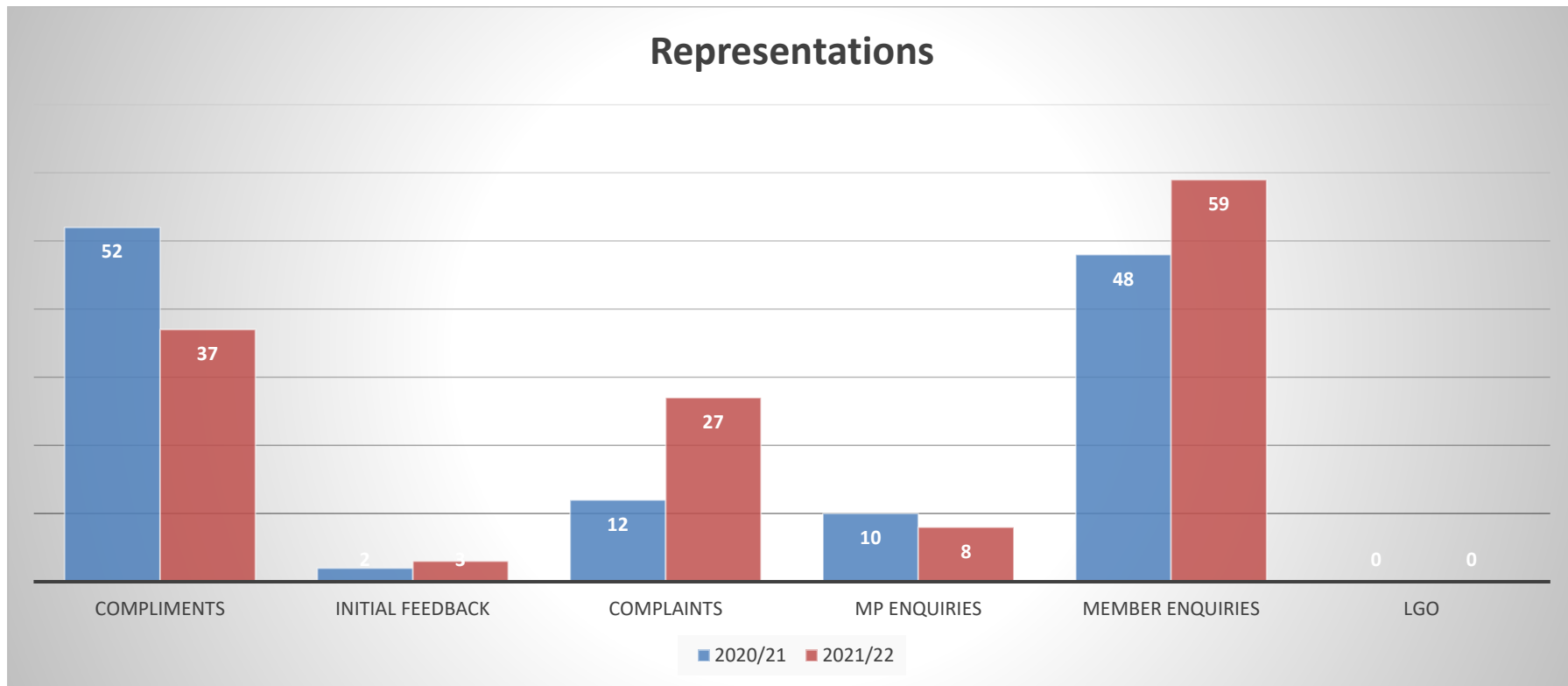
Note – It is a Housing Ombudsman requirement to report learning outcomes that fall within the Housing Ombudsman jurisdiction.

Area	High Level learning identified from complaints
Rents	<ul style="list-style-type: none"> • No upheld complaints to obtain learning from within this reporting period
Voids	<ul style="list-style-type: none"> • All staff have been reminded of the importance of ensuring that full and thorough checks of a property are carried out, as a part of the handover process • Staff reminded of the importance of monitoring any scheduled appointments through to completion and that

	any delays are communicated to the resident as soon as possible
Lease holding	<ul style="list-style-type: none"> • A policy will be produced to address the criteria for housing land disposals. This will help to ensure that the council deal with any enquiries in a consistent manner
Property Transformation	<ul style="list-style-type: none"> • The voicemail service has been deactivated, so that all resident enquiries can be managed through contact slips, to ensure that any attempts by a resident to make contact can be followed up on

Volume of Representations 2021/22 vs 2020/21

Below is a comparison of representations received for both years. During **2021/22**, **134** representations were received, compared with **124** for **2020/21**.



Complaints – 2020/21 vs 2019/20

Below is the comparison between the two years broken down into more specific detail including those complaints involving both internal and external providers.

Feedback:	Initial Feedback	Low Intervention	Medium Intervention	High Intervention	No. withdrawn / Cancelled	Total to be investigated	Cases closed in period*	% of complaints upheld in period	% timeliness of response for those due in period*
Apr-Sept 2021/22	3	27	0	0	1	26	21	71%	84%
Apr –Sept 2020/21	2	12	0	0	0	12	11	45%	100%
Difference	+1	+15	0	0	+1	+14	+10	+26%	-16%

*For 2021/22:

- 27 complaints were received in the reporting period. Of these 27 received 1 was cancelled.
- 19 complaints were due a response in this period. 16 of these were responded to within timeframe.
- 21 cases were responded to within the reporting period (Note – This differs from the 19 that were due a response, as some responses included cases that were due in a different reporting period). Of the 21 complaints responded to 15 were upheld.

Learning from upheld complaints:

Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning	Root Cause 2 and associated learning	Root Cause 3 and associated learning
	Quality of Care	Potential Safety Concerns	Communication
<p>Learning</p>	<p>Complaint 2:</p> <p>Complaint that the care worker is not following care plan. Examples provided were not making the bed or not closing the curtains (Thurrock Care at Home).</p> <p>Learning:</p> <p>Care plan updated to ensure that specified requests are clear to all care workers.</p> <p>Complaint 3:</p> <p>Concerns that the care worker had not followed the care plan, as the service user's washing had not been undertaken (Leatherland Lodge).</p> <p>Learning:</p> <p>To ensure that new staff are fully aware of any care plans that are in place for a service user.</p>	<p>Complaint 7</p> <p>Complaint that the care worker left bedroom lights, hob and the fan on (Homecare).</p> <p>Learning:</p> <p>Care staff reminded to ensure that prior to leaving the property, they must check everything is turned off and that the service user is happy.</p> <p>Complaint 11:</p> <p>After showering, the showerhead fell and hit the service user on their arm (Collins House).</p>	<p>Complaint 1:</p> <p>The family was not immediately informed about the service user being unwell (Leatherland Lodge).</p> <p>Learning:</p> <p>Change of procedure to ensure that in the event of any sickness, the family is informed with immediate effect and that this is documented and recorded.</p> <p>Complaint 9:</p> <p>Concern raised by the service user's daughter that there has been a breakdown in communication and she is not provided with updates regarding her mother's care (Hospital Team).</p>

Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning	Root Cause 2 and associated learning	Root Cause 3 and associated learning
	Quality of Care	Potential Safety Concerns	Communication
	<p>Complaint 4:</p> <p>Complaint regarding:</p> <ul style="list-style-type: none"> No Activities Coordinator in post Food served cold (Willow Lodge Care) <p>Learning:</p> <ul style="list-style-type: none"> Activities Coordinator post will be advertised Staff reminded to ensure that plates are warm prior to serving The temperature of food will be spot checked by the manager of the service <p>Complaint 5:</p> <p>Concern that the service user's call times are inconsistent and are sometimes after the agreed time of 9am (Thurrock Care at Home).</p>	<p>Learning:</p> <ul style="list-style-type: none"> The member of staff was advised to be more careful when placing the showerhead back into its holder and to ensure it is secure. An incident report was completed and forwarded to Health & Safety The incident report has been placed on both the service user's and member of staff's file 	<p>Learning:</p> <p>Staff have been spoken to and reminded of the importance of ensuring that family members are kept updated on any changes to care plans.</p> <p>Complaint 12:</p> <p>Complaint that the care worker's call time was too early and the service user was concerned their appointment had been missed as a result (Collins House).</p> <p>Learning:</p> <ul style="list-style-type: none"> Carer was asked to return to complete the call later that day Ensure that in the event of any changes to AM call times, the care coordinators will ring the service user to ensure that they are made aware of the change

Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning	Root Cause 2 and associated learning	Root Cause 3 and associated learning
	Quality of Care	Potential Safety Concerns	Communication
	<p>Learning:</p> <p>An alert has been placed on the service user's care plan, to ensure all calls take place prior to 9am.</p> <p>Complaint 6:</p> <p>The service user had requested no male carers, however male carers were allocated (Homecare).</p> <p>Learning:</p> <p>Going forward, if any client is unable to accept a carer of a certain gender, this must be communicated to all staff and/or individuals involved.</p> <p>Complaint 8:</p> <p>Complaint regarding a service user not being provided with their medication (Homecare).</p>		<p>Complaint 14:</p> <p>The daughter of a service user complained that her father had a black eye and that she had not been informed. Checks by a GP confirmed that it was not a black eye, but instead an infection. (Leatherland Lodge).</p> <p>Learning:</p> <p>Training provided to staff to ensure that families are informed of sickness or wellbeing matters in a timely manner.</p>

Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning	Root Cause 2 and associated learning	Root Cause 3 and associated learning
	Quality of Care	Potential Safety Concerns	Communication
	<p>Learning:</p> <ul style="list-style-type: none"> • The medication error was investigated and retraining has been provided to the staff involved with this matter • Monthly audits are carried out to identify any repeat issues <p>Complaint 10:</p> <p>Call times were agreed to take place early morning and late evenings, however this is not being followed (Thurrock Care at Home).</p> <p>Learning:</p> <p>When taking on a new care package, the service must ensure that all parties are clear on the agreed times to avoid any confusion.</p>		

Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning	Root Cause 2 and associated learning	Root Cause 3 and associated learning
	Quality of Care	Potential Safety Concerns	Communication
	<p>Complaint 13:</p> <p>Concern that the care worker did not follow appropriate PPE guidance by not wearing gloves in the property (Thurrock Care at Home).</p> <p>Learning:</p> <p>Regular monitoring has been put in place, to ensure that the required standards for wearing appropriate PPE are being followed at all times.</p> <p>Complaint 15:</p> <p>Complaint from service user's son regarding a missed lunchtime call (Thurrock Care at Home).</p>		

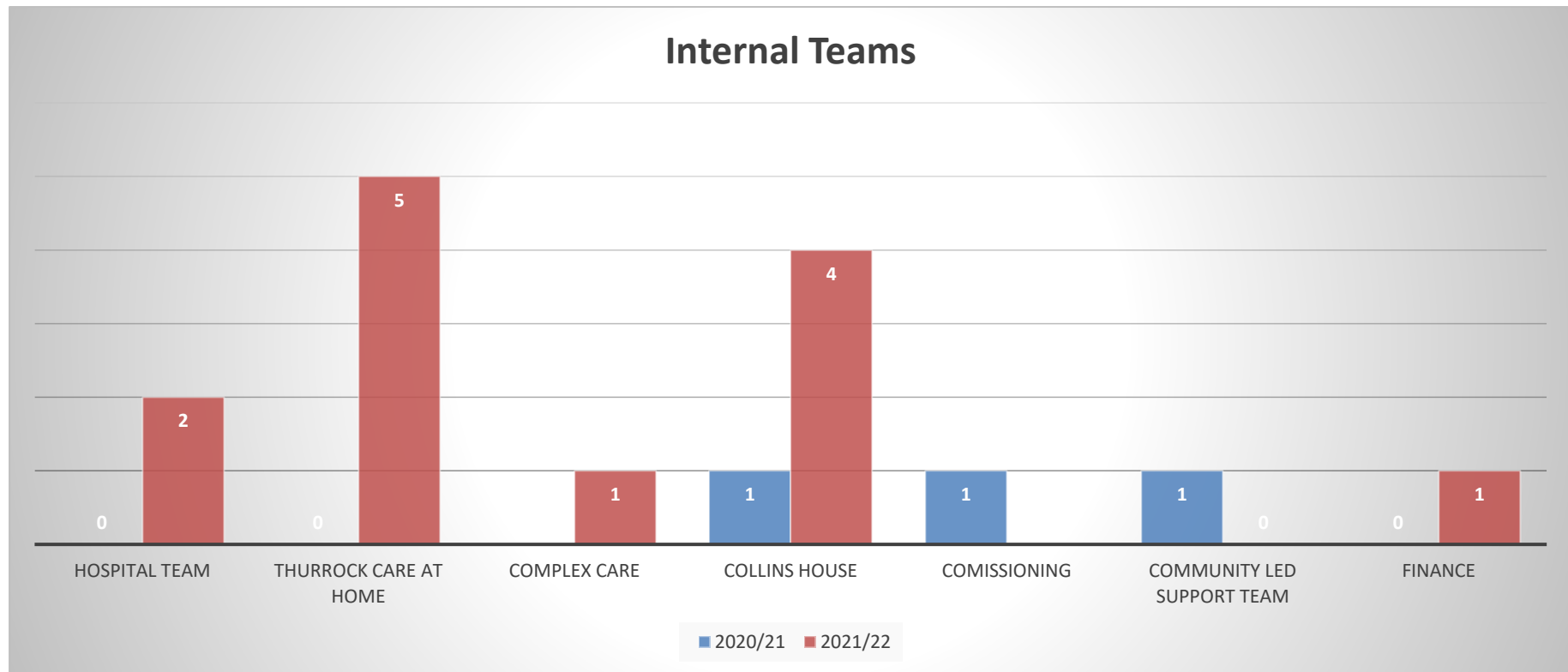
Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning Quality of Care	Root Cause 2 and associated learning Potential Safety Concerns	Root Cause 3 and associated learning Communication
	<p>Learning:</p> <p>The missed call was due to a system error, causing calls due that day to not be displayed correctly to the care worker.</p> <p>Monitoring measures have been put in place, to ensure any system errors are identified and addressed promptly in the future. This will include ensuring that the individual monitoring the system, only has monitoring set as their task for the day, to ensure full attention can be focused on this task.</p>		

Breakdown of complaints received - Internal teams and staff:

This may be different to figures shown within the upheld complaints section below, as the upheld section is based on closed complaints (not complaints received). The figures shown below will also exclude cancelled complaints.

14 of 27 complaints received within this period are for internal teams/services (**1** was cancelled and this related to the Hospital Team). This compares with **3 of 12** during 2020/21.

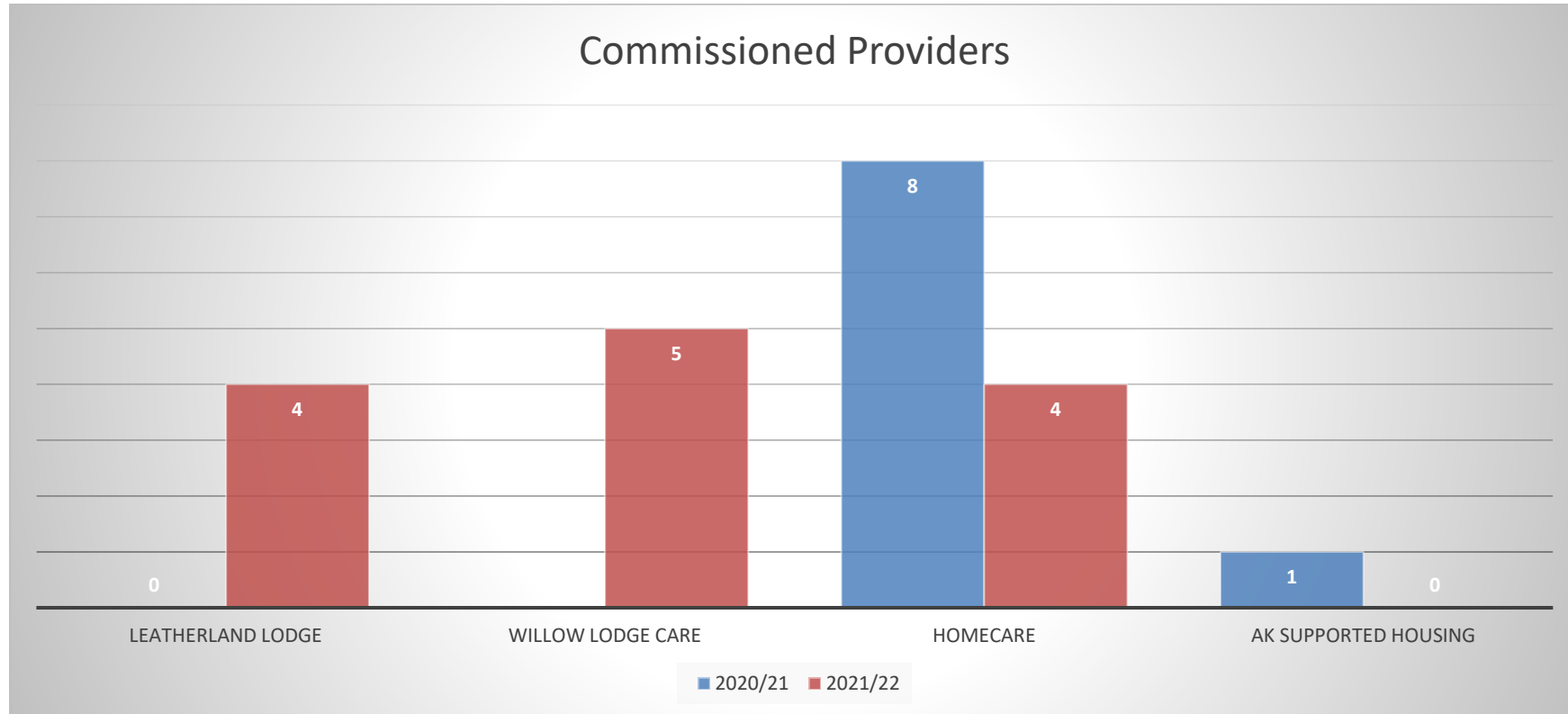
Internal Teams



Breakdown of complaints received - Commissioned Providers:

This may be different to figures shown within the upheld complaints section below, as the upheld section is based on closed complaints (not complaints received). The figures shown below will also exclude cancelled complaints.

13 of 27 complaints received to within this period are for commissioned providers. This compares with **9 of 12** during 2020/21.



Upheld Complaints:

This may be different to figures shown above within the complaints received section, as the figures below are based on closed complaints (not complaints received).

Complaint Area	Volume Closed 2021/22	Upheld	Volume Closed 2020/21	Upheld
Homecare	3	3	8	2
Commissioning	0	N/A	1	1
A K Supported Living	0	N/A	1	1
Collins House	3	2	1	1
Thurrock Care at Home	5	5	0	N/A
Willow Lodge	4	1	0	N/A
Hospital Team	2	1	0	N/A
Leatherland Lodge	3	3	0	N/A
Complex Care	1	0	0	N/A

Local Government and Social Care Ombudsman (LGSCO) Complaints:

There were nil/zero enquiries from the Local Government and Social Care Ombudsman (LGSCO), where they reached a final decision on any cases within the reporting period. This is positive and shows that the council are effective at dealing with complaints at the first point of contact.

Alternative Dispute Resolution (ADR):

Complainants are seeking resolution and welcome the involvement of a neutral third person who will be able to assist both the complainant and the service in negotiating a settlement to their complaint. ADR is implemented as a mechanism to resolve complaints swiftly should the complainant request escalation. This involves assessment of the presenting issues by the Complaints Team. It can also include mediation with the complainant and the service area.

There have been 0 ADR cases in the reporting period.

Enquiries:

In the reporting period the following was received:

- 8 MP Enquiries
- 59 Member Enquiries

MP Enquiries	Feedback total
Public Health	2
Blue Badges	2
Community Development	1
Day Care	1
Collins House	1
Community Led Support Team 3	1

Member enquiries	Feedback total
Public Health	24
Community Development	16
Safeguarding	4
Thurrock First	3
Joint Reablement Team	2
Local Area Coordination	2
Complex Care	1
Thurrock Healthy Lifestyle	1
Thurrock Care at Home	1
Community Led Support Team 1	1
Hospital Team	1
Contract Compliance	1
Blue Badges	1
Finance	1

External Compliments:

A total of **37** compliments have been received during this period compared to **52** within the same period last year. A breakdown of the areas that these relate to is shown below.

Note – These relate to compliments that have been sent to the Complaints Team to record on the complaints system.

Service Area 2021/22	Number of Compliments	Service Area 2020/21	Number of Compliments
Thurrock First	12	Thurrock First	11
Disabled Facilities Grant	6	Hospital Team	6
Joint Reablement Team	4	Extra Care	5
Blue Badges	4	Joint Reablement Team	5
Community Led Support Team 1	3	Disabled Facilities Grant	5
Careline	2	Collins House	3
Hospital Team	1	Local Area Coordination	3
Local Area Coordination	1	Blue Badges	2
Community Led Support Team 2	1	Community Led Support Team	2
Thurrock Care at Home	1	Older People Mental Health	2
Preparing for Adulthood	1	Rapid Response Assessment	2
Community Development	1	Hollywood	1
		Catering	1
		Commissioning	1
		Complex Care	1
		Day Care	1
		Barn & Coach House	1

A small sample of compliments received for 2021/22 are captured below:

- **Joint Reablement Service**

The service user was very complimentary of the support he has received from Joint Reablement Team workers and said the credit for his improvement is down to the support from this team. The service user said he could not speak too highly of them and he will be very sorry when the service ends.

- **Community Led Support Team 1**

Just want to say thank you for all your help regarding my mother. Your help and advice were much appreciated and your support was always prompt. Thanks again for making the transition as easy as it was.

- **Thurrock Care at Home**

Service user called Thurrock Care at Home and said that the woman she had on her morning call was brilliant and could not do enough for her. She said she was very friendly and does her job very well

- **Thurrock First**

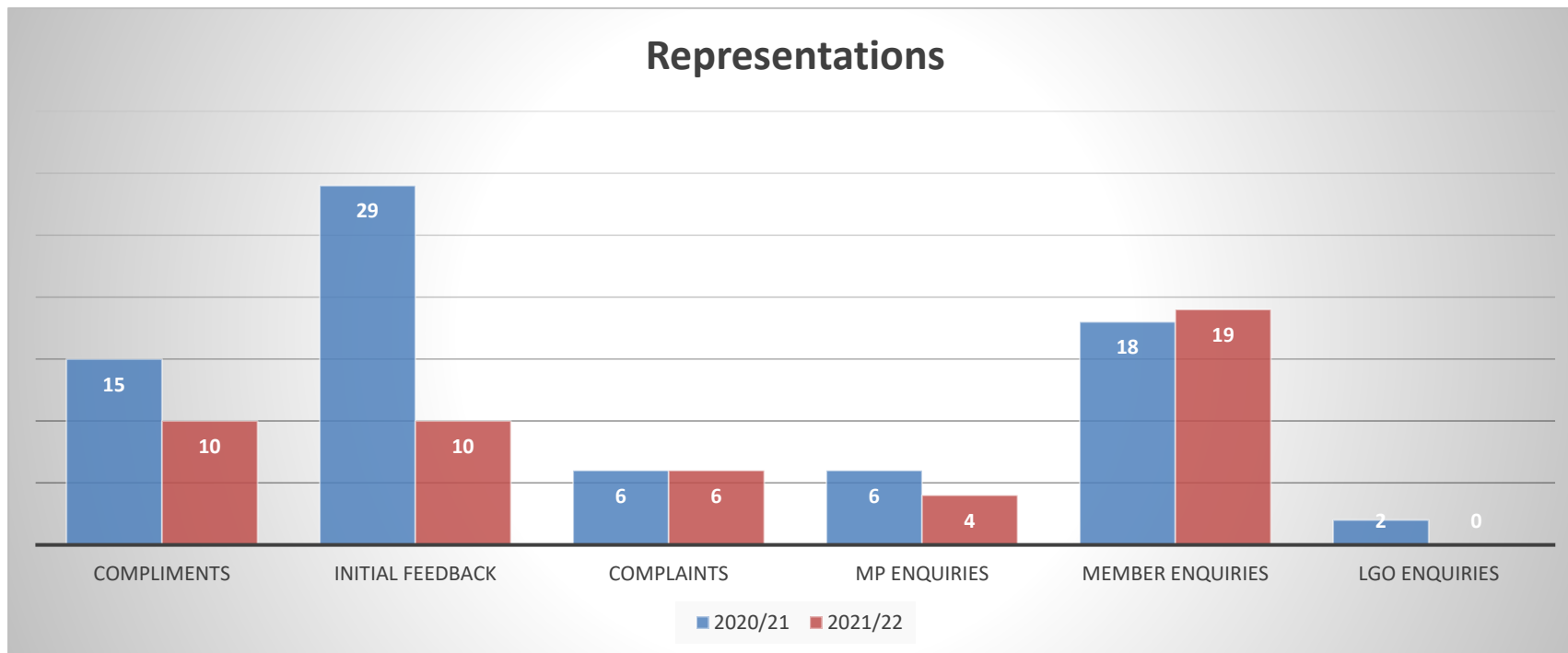
Daughter in law telephones regarding her mother-in-law asking for advice and information. At the end of the call, the daughter-in-law said, "Thurrock First is such a good service. I have called before and each time I have called, I have always found you to be so good and so helpful. With some people you phone, you can't get past reception and have a job getting anywhere, but with your service it's always so easy and that is so reassuring."

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Appendix 3 - 2021/22 - Children's Social Care – Complaints & Representations

Volume of Representations – 2020/21 vs 2021/22:

Below is a comparison of all representations received during both years. A total of **49** representations were received in 2021/22 compared to **76** in the same period of 2020/21.



Complaints – 2020/21 vs 2021/22:

Below is the comparison between the two years with additional details provided. There were no escalations beyond stage 1 for both periods:

Feedback:	Initial Feedback	Stage 1 complaints	Stage 2 complaints	Stage 3 complaints	Alternative Dispute Resolution Cases	Cases closed in period*	Cases Cancelled	% of complaints upheld in period	% timeliness of response for those due in period
Apr-Sept 2021/22	10	6	0	0	0	7	0	57%	88%
Apr-Sept 2020/21	29	6	0	0	0	5	0	60%	100%
Difference	-19	+2	0	0	0	+2	0	-3%	-12%

*For 2021/22:

- 6 complaints were received in the reporting period
- 7 complaints were responded to within this reporting period (as 1 of these closed complaints was for the period 2020/21). 4 of the 7 complaints that were closed were upheld
- 8 complaints were due a response in the period (as 2 of these were received during 2020/21, but we not due until 2021/22). 7 of the 8 complaints were responded to within timeframe.

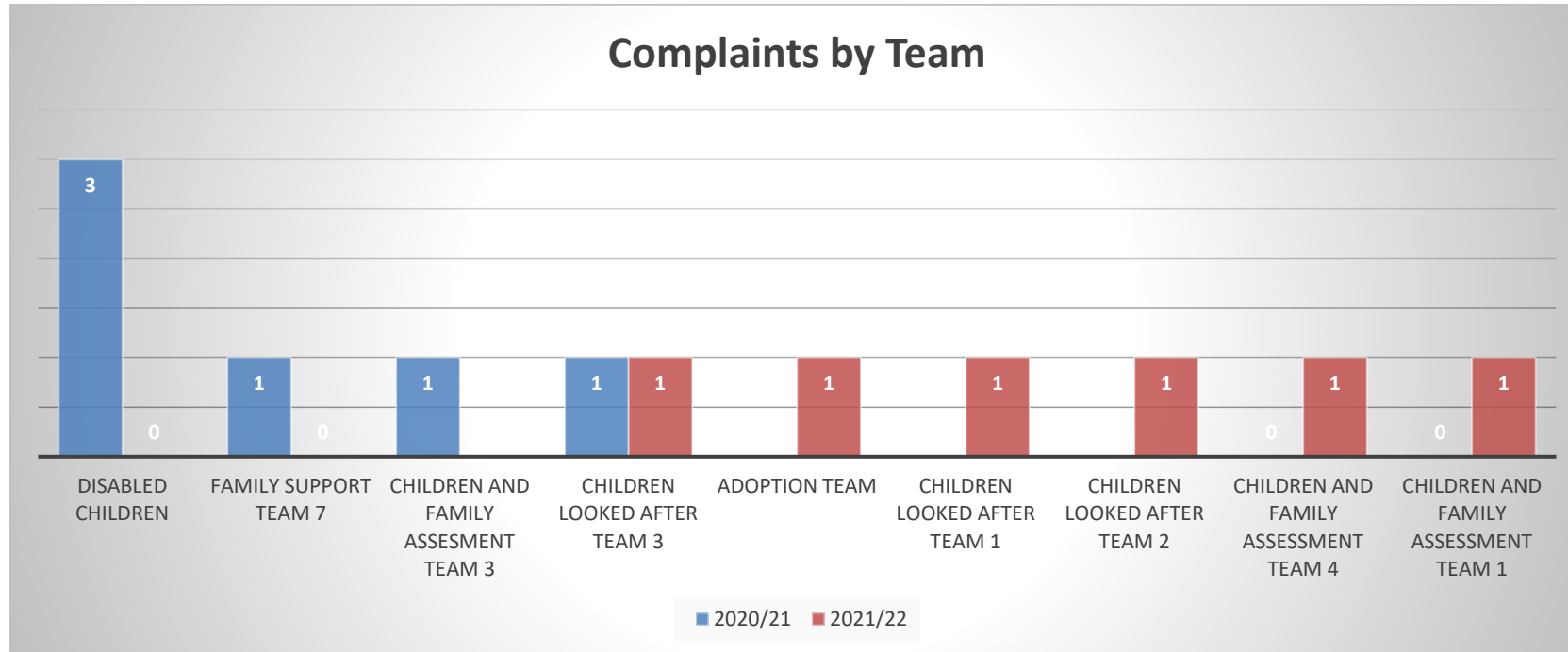
Learning from upheld complaints:

Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning	Root Cause 2 and associated learning	Root Cause 3 and associated learning
	<p>Communication</p> <p>Complaint 3:</p> <ul style="list-style-type: none"> Concerns that the children are being let down regarding contact with their siblings. This is due to the contact arrangements not being clearly communicated by the Service Concerns raised that there are outstanding expense payments for transportation costs for contact between the siblings <p>(Children Looked After Team 1)</p> <p>Learning:</p> <ul style="list-style-type: none"> The sibling contact timetable has been updated Contracts that detail contact arrangements, including sibling contact details, are now held on file to make contact agreements clearer for families Staff reminded of the importance of ensuring contact expenses are paid on time 	<p>Decision Making</p> <p>Complaint 2:</p> <ul style="list-style-type: none"> The child submitted a complaint regarding possibly being removed from their placement at New Beginnings, despite the child feeling safe and happy with the current placement The child is concerned that their views regarding the potential move have not been taken on board <p>(Children Looked After Team 3)</p> <p>Learning:</p> <ul style="list-style-type: none"> To ensure that an advocate is involved at an early stage of care To ensure staff work with the young person to ensure that their views are listened to and/or considered when taking any action relating to their care 	<p>Assessment</p> <p>Complaint 1:</p> <ul style="list-style-type: none"> The Child and Family assessment that was produced contained false and misconstrued information. <p>(Children and Family assessment Team 1)</p> <p>Learning: The points below were made clear to the service via a service brief and in the team meeting:</p> <ul style="list-style-type: none"> Records held must be checked with multi agency partners Records held must be confirmed with the parents to ensure they are correct Child and Family assessments are shared with the family at the completion and any incorrect information is amended and recorded on the system

Root cause analysis and learning from upheld complaints:	Root Cause 1 and associated learning	Root Cause 2 and associated learning	Root Cause 3 and associated learning
	Communication	Decision Making	Assessment
	<p>Complaint 4:</p> <ul style="list-style-type: none"> The child's emails and telephone calls to the Adoption Team have not been responded to (Adoption Team) <p>Learning: A duty log has been implemented which will be completed each day. This log will record all incoming emails/calls and will detail what needs to be actioned</p>		

Breakdown of complaints received:

This may be different to figures shown within the upheld complaints section below, as the upheld section is based on closed complaints (not complaints received). The figures below will also exclude cancelled complaints.



Upheld Complaints:

This may be different to figures shown above within the complaints received section, as the figures below are based on closed complaints (not complaints received).

Complaint Area	Volume Closed 2021/22	Upheld	Volume Closed 2020/21	Upheld
Adoption	1	1	0	N/A
Aftercare	1	0	0	N/A
Children Looked After Team 1	1	1	0	N/A
Children Looked After Team 2	1	0	0	N/A
Children Looked After Team 3/UAS	1	1	1	1
Disabled Children	0	N/A	2	2
Family Support Team 3	0	N/A	0	N/A
Children and Family Assessment Team 4	1	0	0	N/A

Complaint Area	Volume Closed 2021/22	Upheld	Volume Closed 2020/21	Upheld
Family Support Team 7	0	N/A	1	0
Children and Family Assessment Team 3	0	N/A	1	0
Children and Family Assessment Team 1	1	1	0	N/A

Local Government and Social Care Ombudsman (LGSCO) Complaints:

There were nil/zero enquiries from the Local Government and Social Care Ombudsman (LGSCO), where they reached a final decision on any cases within the reporting period. This is positive and shows that the council are effective at dealing with complaints at the first point of contact.

Alternative Dispute Resolution (ADR) Cases:

Complainants are seeking resolution and welcome the involvement of a neutral third person who will be able to assist both the complainant and the service in negotiating a settlement to their complaint. ADR is implemented as a mechanism to resolve complaints swiftly should the complainant request escalation. This involves assessment of the presenting issues by the Complaints Team. It can also include mediation with the complainant and the service area. For the reporting period, there have been 0 cases of successful ADR.

Initial Feedback:

The Council receives feedback which following assessment does not constitute a formal complaint but still requires addressing. Those within scope of an 'Initial Feedback' are sent to the service with a request that swift action takes place to resolve the issue. This should negate the need for a formal complaint taking place. For the reporting period a total of **10** 'Initial Feedback' have been recorded:

Team	Feedback total
Family Support Team 4	1
Family Support Team 2	1
Prevention/Support Service	1
Aftercare	1
Children & Family Assessment Team 1	1
MASH	1
Family Support Team 3	1
Child Protection/LADO	1
Disabled Children	1
Children Looked After Team 2	1

Enquiries

During the reporting period the following enquiries were received:

- 19 Member/Cllr Enquiries
- 4 MP Enquiries

Member/Cllr Enquiries	Feedback Total	MP Enquiries	Feedback Total
MASH	6	Child Protection/LADO	1
All Services (Youth services)	5	Children and Family Assessment Team 2	1
Family Support Team 3	2	Children Looked After Team 3	1
Children Looked After Team 3	1	Permanency/Court Team	1
Disabled Children	1		
Children Looked After Team 1	1		
Children Looked After Team 2	1		
Permanency/Court Team	1		
Aftercare	1		

External Compliments:

10 compliments have been received during this period compared to 15 in the same period last year, breakdown of teams is below.

Service Area (2021/22)	Total Received	Service Area (2020/21)	Total Received
Family Support Team 7	2	Families Together	10
Family Support Team 4	1	Family Support Team 6	2
Family Support Team 6	1	Family Support Team 1	1
Family Support Team 1	1	Children Looked After Team	1
Permanency/Court Team	1	Children and Family Assessment Team 1	1
Children Looked After Team 2	1		
Family Support Team 3	1		
Prevention/Support Service	1		
Aftercare	1		

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Some Examples of External Compliments

Children Looked After Team 2:

I just wanted to take the time to say how my family and I are grateful to have had such an enthusiastic, supportive and family orientated social worker allocated to us. The social worker has gone far and beyond her working hours to ensure the needs of the children are met and she has actively listened to us. The hard work and passion has to be recognised because credit is due.

Family Support Team 7:

I would like to take this opportunity to thank the social worker. I have been working with the social worker for the past year with four siblings in our care. The social worker is not only an asset to Thurrock Social Services, but also to the young people who have had the opportunity of meeting her. The social worker has supported both the young people I care for and supported me as a foster

carer helping me to grow in skill and confidence. The social worker has gone above and beyond to ensure the young people are safe and content she has been a guiding angel.

The social worker has made a positive impact through her work within our fostering family. She is a true professional and is fantastic at what she does. I would welcome working with her in the future as it has been a pleasure and I feel she has made positive changes to many lives

Family Support Team 6:

I have been involved with a few social workers in the past 6 years and I have never had one that had gone above and beyond for me and my children.

I feel that the social worker has helped my family immensely, she has seen the struggles the positives the negatives and all in between, she has never judged me or made me feel as though I am not good enough. She has empowered me and my children, she has helped us emotionally and physically with everything. She is approachable, compassionate, and amazing!

She has listened to everything I have to say and my children views are very important to her.

I really cannot express how grateful I am, she really does her job at the best of her capabilities and never have I ever felt victimised by her in anyway as I have previously with others.

I will forever be grateful for her help and support and I'm glad she still is working us to be honest as she really has benefitted our lives in such an immense way!

I hope she gets recognised for her hard work and determination to help families as I am sure we are not the only family she has worked hard to help. She is unforgettable and a hero in my eyes

Appendix 4 - Housing Ombudsman Complaint Handling Code

Thurrock Council self-assessment – June 2021 (based on complaints data for 2020/21)

Compliance with the Complaint Handling Code

1	Definition of a complaint	Yes	No	Comments
	<p>Does the complaints process use the following definition of a complaint?</p> <p><i>"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents."</i></p>	Yes		A minor change to the definition has been applied.
Page 57	Does the policy have exclusions where a complaint will not be considered?	Yes		
	Are these exclusions reasonable and fair to residents?	Yes		
	Evidence relied upon			<p>Exclusions relied upon are:</p> <ul style="list-style-type: none"> • something that happened more than 12 months ago although this is assessed by the council on a case by case basis • something that has already gone to court, or could have gone to court • a matter whereby the complainant has advised that they intend to, or have, initiated legal proceedings against the council in relation to the substance of the complaint • something that has its own appeal process, such as parking fines, school admissions

				<ul style="list-style-type: none"> • a matter that involves a potential insurance claim • something that is being, or has been, investigated by the relevant Ombudsman
2	Accessibility	Yes	No	Comments
	Are multiple accessibility routes available for residents to make a complaint?	Yes		
	Is the complaints policy and procedure available online?	Yes		
Page 58	Do we have a reasonable adjustments policy?	Yes		<p>The following communication schedule is in place to inform tenants:</p> <ol style="list-style-type: none"> 1. how to complain 2. of the complaints process 3. that if they require an advocate/help to assist them with their complaint then they can let the council know and the council will try to find an organisation to assist them <p>Communication schedule:</p> <ul style="list-style-type: none"> • website • housing online portal, where tenants access their rent information • Resident Engagement team • Tenants Excellence Panel • tenants newsletters (Housing News) • emails/letters to tenants • messages shared on Resident Engagement Facebook page

				<p>It is also made clear to tenants via complaint acknowledgment letters that:</p> <ul style="list-style-type: none"> • if they require assistance to take forward their complaint, they can appoint a representative to deal with their complaint on their behalf • any individual representing/assisting them can accompany them at any meeting with the council (if a meeting is required to consider their complaint) • if they require assistance with their complaint, but don't have anyone to help them, they can let us know and the council will do all it can to find them an advocate
Page 59	Do we regularly advise residents about our complaints process?	Yes		<p>This is undertaken via:</p> <ul style="list-style-type: none"> • website • housing online portal, where tenants access their rent information • Resident Engagement team • Tenants Excellence Panel • tenants newsletters (Housing News) • emails/letters to tenants • messages shared on Resident Engagement Facebook page
3	Complaints team and process	Yes	No	Comments
	Is there a complaint officer or equivalent in post?	Yes		
	Does the complaint officer have autonomy to resolve complaints?	Yes		

	Does the complaint officer have authority to compel engagement from other departments to resolve disputes?	Yes		
	If there is a third stage to the complaints procedure are residents involved in the decision making?	Not applicable		The council's process for Housing/landlord's complaints comprises of only two stages.
	Is any third stage optional for residents?		No	
	Does the final stage response set out residents' right to refer the matter to the Housing Ombudsman Service?	Yes		
	Do we keep a record of complaint correspondence including correspondence from the resident?	Yes		
	At what stage are most complaints resolved?			Stage 1 – this has been determined from the data used to produce the 2020/21 annual report.
4	Communication	Yes	No	Comments
Page 60	Are residents kept informed and updated during the complaints process?	Yes		
	Are residents informed of the landlord's position and given a chance to respond and challenge any area of dispute before the final decision?	Yes		
	Are all complaints acknowledged and logged within five days?	Yes		
	Are residents advised of how to escalate at the end of each stage?	Yes		
	What proportion of complaints are resolved at stage one?			Using the data from the 2020/21 complaints report this equates to 86%: <ul style="list-style-type: none"> • 331 received • 45 escalations • 286 resolved • % resolved at Stage 1 is 86%

	<p>What proportion of complaints are resolved at stage two?</p>			<p>Using the data from the 2020/21 complaints report this equates to 91%:</p> <ul style="list-style-type: none"> • 67 received • 6 escalated (to a stage that no longer exists) • 61 resolved • % resolved at Stage 2 is 91%
<p>Page 61</p>	<p>What proportion of complaint responses are sent within Code timescales?</p> <ul style="list-style-type: none"> • Stage one • Stage one (with extension) • Stage two • Stage two (with extension) 			<p>Proportions are:</p> <ul style="list-style-type: none"> • Stage one – 94% • Stage one (with extension) – not applicable as the council do not apply extensions (see below) • Stage two – 97 % • Stage two (with extension) – not applicable as the council do not apply extensions (see below)
	<p>Where timescales have been extended did we have good reason?</p>	<p>Not applicable</p>		<p>The council does not apply extensions to complaints as this approach does not encourage the timely responding of complaints. If timeframes are exceeded, the council continues to link in with the complainant to keep them updated. The council's performance in responding to complaints within timeframe is strong as evidenced by the figures above.</p>
	<p>Where timescales have been extended did we keep the resident informed?</p>	<p>Not applicable</p>		<p>The council does not apply extensions to complaints as this approach does not encourage the timely responding of complaints. If timeframes are exceeded, the council continues to link in with the complainant to keep them updated.</p>

	What proportion of complaints do we resolve to residents' satisfaction			<ul style="list-style-type: none"> • 86% for Stage 1 • 91% for Stage 2
5	Cooperation with Housing Ombudsman Service	Yes	No	Comments
	Were all requests for evidence responded to within 15 days?	Yes		6 cases were received from the Housing Ombudsman in the period 2020/21. All 6 cases were responded to within the timeframes given.
	Where the timescale was extended did we keep the Ombudsman informed?	Not applicable		No extensions of time were requested as all enquiries were responded to within timeframe.
6	Fairness in complaint handling	Yes	No	Comments
Page 62	Are residents able to complain via a representative throughout?	Yes		<p>It is made clear to tenants via complaint acknowledgment letters that:</p> <ul style="list-style-type: none"> • if they require assistance to take forward their complaint, they can appoint a representative to deal with their complaint on their behalf • any individual representing/assisting them can accompany them at any meeting with the council (if a meeting is required to consider their complaint) • if they require assistance with their complaint, but don't have anyone to help them, they can let us know and the council will do all it can to find them an advocate
	If advice was given, was this accurate and easy to understand?	Yes		This is checked via data quality checks prior to the complaint response being submitted. The council are also clear on complaints communications, that the Housing Ombudsman Service may be able to assist the complainant by allowing them the

				opportunity to engage with the Ombudsman's dispute support advisors. The Ombudsman contact details are provided to allow the complainant to make contact if required.
	How many cases did we refuse to escalate?			7
	What was the reason for the refusal?			<p>Of the 7 cases 1 was rejected at Stage 1, 5 at Stage 2 and 1 at Stage 3 cases (when we had a 3-stage process): Reasons were:</p> <ul style="list-style-type: none"> • 1 case was rejected as it related to an issue more than 12 months old • 5 cases were rejected as the issues raised were addressed in the stage 1 response so a further investigation would not arrive at a different outcome • 1 was rejected as the issues raised were addressed in the stage 2 response so a further investigation would not arrive at a different outcome <p>Note - The council no longer refuse to escalate complaints, unless it's considered out of scope as detailed on our website.</p>
	Did we explain our decision to the resident?	Yes		In all cases the resident was advised of the rejection.
7	Outcomes and remedies	Yes	No	Comments
	Where something has gone wrong are we taking appropriate steps to put things right?	Yes		Learning is logged, tracked and reported to senior management and members (via committee

				reports). Summary learning is also provided to tenants via tenants newsletters.
8	Continuous learning and improvement	Yes	No	Comments
	What improvements have we made as a result of learning from complaints?			<p>The council's annual complaints report for 2020/21 has identified some key learning and positive outcomes for housing related services and a few examples of these are shown below:</p> <ul style="list-style-type: none"> • staff have been reminded that when raising works orders, the job description must be clear and jargon free. • staff have been reminded of ensuring that where there are issues with gaining access, the case is referred back to the council for further support. • staff will be undergoing training in 2021 relating to: Communications, Housekeeping & Customer Service. • contractors have reviewed their internal process to ensure automatic escalation to a Supervisor where there have been 3 attendances to a property within a 3 month period. • staff to ensure that all emails received are actioned before being marked as completed. • ASB staff reminded of providing residents with timely responses to communication and providing residents with updates on their case following any changes, such as a change of case officer.

				<ul style="list-style-type: none"> • ASB staff instructed to ensure that they do not request that residents email them directly, but that they instead signpost them to the generic ASB email. This will allow emails to be actioned in the event of staff absence. • the process regarding successions has been reviewed by a project team and all the necessary documentation has been covered within this review. Meetings to take place regarding possible changes and Tenancy Management Officers to be trained on any changes • discussions have taken place with the scaffolding contractor to request they revise their procedures for carrying out works and improve their communication when speaking to residents. • staff reminded to ensure that residents receive a response to any queries, regardless if this relates to a matter than has already been actioned • staff have been reminded that the resident should be advised if their enquiry is being dealt with by a different team • further training for staff regarding Universal Credit Housing Costs will be provided, to ensure accurate guidance can be provided to residents
	<p>How do we share these lessons:</p>			<p>We share these lessons with:</p>

	<p>(a) with residents (b) with the board/governing body (c) in the Annual Report</p>			<p>(a) residents – summary learning is shared via the communication schedule referred to within point 2 above, and in addition to this it is made clear within individual complaints responses what will be done differently to learn from complaints</p> <p>(b) the board/governing body – learning from complaints and key learning themes form part of our regular reports to Senior Management and Standards and Audit Committee</p> <p>(c) in the Annual Report – learning from complaints and key learning themes form part of our Annual Complaints Report, which goes onto Standards and Audit Committee</p>
Page 66	Has the Code made a difference to how we respond to complaints?	Yes		The code has proved a really useful tool allowing the council to assess and improve the way it manages complaints.
	What changes have we made?			<p>A number of changes to standard complaints letters – for example, making it clear to complainants:</p> <ul style="list-style-type: none"> • that if they need an advocate to assist them with their complaint, then they can let us know and we will try to find an organisation who can assist them • to firm-up their desired outcome from the outset • that they have a right to access the Housing Ombudsman Service, not only at the point when they have exhausted the council's complaints process – this is on the basis that the Housing Ombudsman Service can assist

residents throughout the life of a complaint, and affords the resident the opportunity to engage with the Ombudsman's dispute support advisors

Regular communications with tenants as outlined within the communication schedule in point 2 above, which includes:

- setting out our complaints process and how they can complain
- providing summary learning from complaints
- making it clear that the council can assist them if they require an advocate

Providing additional information to the Tenants Excellence panel including:

- a copy of this self-assessment with a request for comments
- a copy of the annual complaints report (learning section for Housing) with a request for comments

In addition to the above the council has:

- reduced the complaints stages for Landlord complaints from three down to two stages
- updated its website to provide additional information on complaint remedies

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10 March 2022	ITEM: 6
Standards and Audit Committee	
Internal Audit Progress Report 2021/22	
Wards and communities affected: All	Key Decision: Non-key
Report of: Gary Clifford – Chief Internal Auditor	
Accountable Assistant Director: n/a	
Accountable Director: Sean Clark – Corporate Director Resources and Place Delivery	
This report is public	

Executive Summary

The Internal Audit Plan 2021/22 was discussed by the Standards & Audit Committee at their meeting of 11 March 2021. This progress report covers final reports issued since the last progress report to the Standards & Audit Committee, draft reports issued and work in progress.

1. Recommendation(s)

1.1 That the Standards and Audit Committee:

Consider reports issued and the work being carried out by Internal Audit in relation to the 2021/22 audit plan.

2. Introduction and Background

2.1 The Accounts and Audit Regulations 2015 require that a relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance.

2.2 The Internal Audit Service carries out the work to satisfy this legislative requirement and part of this is reporting the outcome of its work to the Standards & Audit Committee.

2.3 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 audit work carried out by the Internal Audit Service is a key source of assurance to the

Standards & Audit Committee about the operation of the internal control environment.

- 2.4 The audits contained in the Internal Audit Plan 2021/22 are based on an assessment of risk for each system or operational area. The assessment of risk includes elements such as the level of corporate importance, materiality, service delivery/importance and sensitivity.

3. Issues, Options and Analysis of Options

- 3.1 The reports issued by Internal Audit provide 4 levels of assurance opinion. The 4 opinions use a Red/Amber/Green (RAG) assurance level and reports are now categorised as:

- Green; Amber/Green (positive assurance opinions);
- Amber/Red (negative assurance opinion that provides some assurance but a number of weaknesses were identified); and
- Red (negative assurance opinion).

- 3.2 The purpose of this progress report is not only to highlight reports issued as final but to provide members with an update on work which has reached the draft report stage and work currently in progress. The status of work currently being undertaken is shown at Appendix 1.

- 3.3 During the period being reported on, we have finalised 3 assurance reports on Housing Rents, Children's Social Care Commissioning and Premises Licencing. All received a Green (positive) assurance opinion.

- 3.4 As well as our core work, during the period being considered we have also implemented new working papers software to help improve the efficiency of the service by computerising more of the work we carry out. As part of this project, we liaised with IT and also undertook user acceptance testing and training which all of the team were involved in.

- 3.5 The work on the Troubled Families Programme has been picked up by one of the Senior Internal Auditors as it impacts on the funding the council gets to support these families and it has to be audited. Work was also carried out to confirm that expenditure on LOCAL AUTHORITY BUS SUBSIDY (REVENUE) GRANT: DETERMINATION 2020/21: No 31/5013 was in line with the terms and conditions of the grant. There were no issues to report and the signed declaration was returned to the relevant central government department.

- 3.6 As previously reported, one of the Internal Auditors left the service in September 2021. This clearly impacted upon delivery of the plan and as a result, a business case was been developed to fill the 2 vacant Internal Auditor posts. This was submitted to HR and we can confirm that the 2 posts have gone out to advert, both internally and externally, with a closing date of 6th March. Members will be updated on progress with this at the next meeting.

3.7 As part of the preparation we carry out prior to undertaking an audit review, we will carry out some background work to help us scope the audit. We then develop an assignment brief which provides details of the work we will undertake, the access we need to documentation and records and the timeframe for the fieldwork, draft and final reports. Unfortunately, on occasions, at this stage, due to changes or challenges within the service, the client may then ask for the work to be deferred. These changes are reported to the Standards & Audit Committee. During the current period, we have been asked to defer the following:

- Housing Voids as new processes and procedures are being developed (deferred to 2022/23).
- Passenger Transport as a new system is being introduced and there is a new Strategic Lead in post so the service are supporting the data transfer to the new system and providing training (deferred to May 2022/23).
- Financial Sustainability due to Corporate Finance work on closing the accounts (deferred to 2022/23).
- Housing Benefits due to year-end audit being carried out by the external auditors (deferred to April/May 2022/23).

4. Reasons for Recommendation

4.1 To assist the Standards & Audit Committee in satisfying itself that progress against the Internal Audit Plan is sufficient as one of the means of assuring itself of the effective operation of internal controls.

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

5.1 The audit risk assessment and the plan are periodically discussed with the Chief Executive, Corporate Directors, Directors and Assistant Directors before being reported to Directors Board and the Standards & Audit Committee.

5.2 All terms of reference and draft reports are discussed and agreed with the relevant Corporate Directors, Directors, Assistant Directors and/or management before being finalised.

5.3 The Internal Audit Service also consults with the council's External Auditors to ensure that respective audit plans provide full coverage whilst avoiding duplication.

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 2021/22. Recommendations made are designed to further the implementation of these corporate priorities.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director - Finance

Whilst there are no direct financial implications arising from this report, it is important that the authority maintains adequate internal controls to safeguard the authority's assets. The costs associated with the implementation of audit recommendations will be considered and, where possible, met from existing budgets.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer

The contents of this report and appendixes form part of the council's responsibility to comply with the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015, to ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and achievement of its aims and objectives, including to at least annually undertake an effective internal audit to, amongst other things, evaluate the effectiveness of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance. The council has delegated responsibility for ensuring this is taking place to the Standards & Audit Committee. There are no legal implications directly arising from this report.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

There are no direct diversity or equality implications arising from this report.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

In terms of risk and opportunity management, the Internal Audit Plan and its outcomes are a key part of the council's risk management and assurance frameworks. The Internal Audit Plan is based on risk assessments that include a review of the council's risk and opportunity register.

8. Background papers used in preparing the report:

- Strategy for Internal Audit 2020/21 to 2022/23 and Internal Audit Plan 2020/21
- Internal Audit Reports issued in 2021/22.

9. Appendices to the report

Appendix 1 – Internal Audit Progress Report.

Report Author:

Gary Clifford

Chief Internal Auditor

Thurrock Council Internal Audit Service, Resources & Place Delivery

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Thurrock Council

Standards & Audit Committee

Internal Audit Progress Report 2020/21

Date of Committee: 10th March 2022

Introduction

The internal audit plan for 2021/22 was presented to the Standards & Audit Committee on 11th March 2021.

Table showing reports issued as Final, in Draft and Work in Progress (WIP)

Assignment	Status	Opinion	Actions Agreed (by priority)		
			High	Medium	Low
Audits to address specific risks					
Planned Maintenance (Housing)	Final	Green	0	1	4
BSI ISO 9001 Quality Review – Active & Country Parks	Final	Advisory	0	0	1
BSI ISO 9001 Quality Review - Fleet	Final	Advisory	0	0	1
BSI ISO 9001 Quality Review – Infrastructure & Work Environment	Final	Advisory	0	0	1
BSI ISO 9001 Quality Review – Play Area Maintenance	Final	Advisory	0	0	1
BSI ISO 9001 Quality Review – Street Cleaning	Final	Advisory	0	0	1
Housing Rents	Final	Green	0	1	1
Children’s Social Care Commissioning	Final	Green	0	2	1
Premises Licencing	Final	Green	0	2	2
Induction/Probation (Onboarding)	Draft with client	N/A	N/A	N/A	N/A
Climate Change	Draft with client	N/A	N/A	N/A	N/A
Duplicate Payments	Draft	N/A	N/A	N/A	N/A
Accounts Payable	Draft	N/A	N/A	N/A	N/A
Accounts Receivable	Draft	N/A	N/A	N/A	N/A
Homelessness	WIP	N/A	N/A	N/A	N/A
Building Control	WIP	N/A	N/A	N/A	N/A
Passenger Transport	Deferred	N/A	N/A	N/A	N/A
Housing Benefits	Deferred	N/A	N/A	N/A	N/A
Housing Voids	Deferred	N/A	N/A	N/A	N/A

Work and other issues for which no reports are generated

The work around the payment by results funding provided as part of the troubled families programme continues. One of the Senior Auditors has picked up on this as it impacts on the funding the council receives in this area.

Work was carried out to confirm that expenditure on LOCAL AUTHORITY BUS SUBSIDY (REVENUE) GRANT: DETERMINATION 2020/21: No 31/5013 was in line with the terms and conditions of the grant. There were no issues to report and the signed declaration was returned to the relevant central government department.

The 2 Internal Auditor posts are now out to advert so it is hoped the response will be good and we will be able to recruit into these vacant posts. The closing date is 5th March 2022.

During the last 6 months, we have implemented an upgraded version of our audit working papers software. This has involved training and user testing by the staff and feedback to the supplier on any issues around the reporting process. Most issues have been resolved and it is anticipated that the service will go-live for the new financial year.

Changes to the Annual Plan

We have been asked to defer the following reviews where time has been spent scoping the audit and carrying out background work. This work will not be wasted as it can be picked up when the reviews actually take place in the 2022/23 plan:

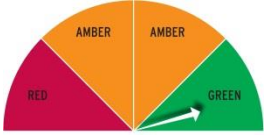
Housing Voids as new processes and procedures are being developed (deferred to 2022/23).

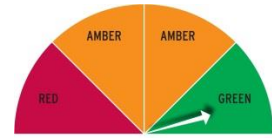
Passenger Transport as a new system is being introduced and there is a new Strategic Lead in post so the service are supporting the data transfer to the new system and providing training (deferred to May 2022/23).

Financial Sustainability due to Corporate Finance work on closing the accounts (deferred to 2022/23).

Housing Benefits due to year-end audit being carried out by the external auditors (deferred to April/May 2022/23).

Key Findings from Internal Audit Work

Assignment: Housing Rents	Opinion: Green	
<p>Headline Findings: Our review of the Housing Rents identified 1 medium and 1 low recommendation around the adequacy of the control framework. The review looked at the following risks:</p> <ul style="list-style-type: none"> • Rent arrears may not have been monitored regularly during the pandemic and arrangements may not have been made with tenants who could pay resulting in loss of income. • Identification checks may not be made for each selected tenant and tenancy agreements may not be in place. • Access to the Rents System may not be authorised in line with Council's procedures, and may not be limited to relevant Council employees. • Any changes to the housing stock may not be recorded and supported by a clear audit trail. Rent may not be charged on all housing property nor correctly calculated. • Reconciliations between General Ledger, Housing Rents and cash Receipting system may not be performed on a regular basis and not appropriately reviewed by senior management. <p>Good controls were identified across all these areas. The 1 high and 1 low recommendation from the previous audit had been actioned.</p>		
Action and Response	Responsible Officer	Date
<p>Action – Former tenants arrears should be more closely monitored and a more pro-active approach adopted.</p> <p>Response - The Housing Rents and Welfare Manager stated that Former Tenant Debt has had to take a back seat over the last 2 years as the pandemic guidelines meant they had to concentrate their efforts on supporting and collecting from current tenants. This, along with long-term sickness, has left the team short staffed for many months which has resulted in long gaps between former tenant arrears recovery actions.</p> <p>More recently, as restrictions are easing, Rent Officers are making visits again and they have introduced card drops.</p> <p>The service have purchased the RentSense module for managing former tenants arrears and they also have recently gained access to Experia and Locta and use these to trace forwarding addresses for tenants who have abandoned the property, been evicted or served notice with arrears. This work is on-going.</p>	<p>Housing Rents and Welfare Manager</p>	<p>ASAP</p>



Headline Findings: Our review of the **Children's Service Commissioning** identified 2 medium and 1 low recommendation around the adequacy of the control framework. The review looked at the following risks:

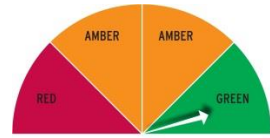
- There may be no structure, policy, systems, plans and strategy in place to ensure value for money is secured in commissioning children care services.
- Clear objectives and appropriate KPIs may not be set to allow performance to be tracked and regularly reported to senior management.
- Commissioning decisions may not be driven by data.
- The placement market may not be developed and managed to commission cost-effective placements and achieve the best possible value for money which could result in the council's children being placed outside of their local areas in breach of government regulation.
- Budgets may not be based on accurate forecasts to ensure placement capacity is within available budgets and spending may not be adequately monitored and controlled.

Good controls were identified across all these areas. There has not been an audit in this area for a number of years so there were no recommendations to check.

Action and Response	Responsible Officer	Date
<p>Action – The process for recruitment and set up of service providers through spot purchasing should be reviewed and improved to ensure children and young people are not placed with providers who are not willing to agree to the council's terms of service and specifications. Terms and service specification should be agreed before a placement is made.</p> <p>Response - It is agreed that one provider has refused to sign to our terms and conditions although discussions are ongoing. This is an isolated case and whilst one other provider was not entirely satisfied to sign they did eventually. This issue has occurred in a very small proportion of spot placements. Often when trying to place a child at very short notice (often on the same day) there is limited opportunity to request that a provider reviews our contract and specification. If this were the case we may lose the opportunity of the placement and be at risk of not fulfilling our statutory duties.</p> <p>This situation will be closely monitored to avoid future occurrences noting the difficulties described above.</p>	<p>Commissioning Supply Manager</p>	<p>On-going</p>
<p>Action – A service plan should be prepared every year in line with the requirements of the council's business planning framework. Reasonable and achievable key performance indicators should be developed to provide a basis for tracking progress towards achievement of established objectives. Monitoring reviews should include an assessment and a report of progress against established KPIs.</p> <p>Response - Accepted that this should be in place.</p>	<p>Commissioning Supply Manager</p>	<p>May 22</p>

Assignment: Premises Licencing

Opinion: Green



Headline Findings: Our review of the **Premises Licencing** identified 2 medium and 2 low recommendations around the adequacy of the control framework. The review looked at the following risks:

- The council may not have a clearly documented policies and procedures in place to provide licensing and enforcement guidance and ensure compliance with the requirements of the Licensing Act 2003.
- Licence applications may not be processed correctly and within a reasonable time.
- The Consultation and Appeals Processes may not comply with legislative requirements and council policy.
- Income from premises licences may not be appropriately receipted and accounted for, leading to a loss of income to Council.
- Enforcement of licence conditions may not be carried out.
- The effectiveness of the council's premises licensing process may not be monitored and reported.

Good controls were identified across all these areas. There has not been an audit in this area for a number of years so there were no recommendations to check.

Action and Response	Responsible Officer	Date
<p>Action – The current statement of policy should be refreshed and its validity extended until such time as it would be possible to undertake a robust consultation and review of existing policies to bring them up to date and in line with current operations. This would ensure the policy complies with good practice and reflects the current arrangements.</p> <p>Response - The policy has now been refreshed and extended, awaiting full approval by Full Council.</p>	Licencing Manager	June 22
<p>Action – Business plans should be prepared in accordance with the council's planning framework. In addition, appropriate KPI's should be developed to help senior management to monitor and report on the team's progress in achieving their objectives.</p> <p>Response - KPI'S will be developed, and associated reports will be set up in Uniform Enterprise.</p>	Licencing Manager	April 22

10 March 2022	ITEM: 7
Standards and Audit Committee	
Internal Audit Strategy 2020/21 to 2022/23 and Annual Internal Audit Plan 2022/23	
Wards and communities affected: All	Key Decision: Non-key
Report of: Gary Clifford – Chief Internal Auditor	
Accountable Assistant Director: n/a	
Accountable Director: Sean Clark – Corporate Director of Resources and Place Delivery	
This report is Public	

Executive Summary

Between December 2019 and March 2020, a comprehensive Audit Needs Assessment (ANA) process was undertaken which involved attending meetings with each of the Directorate Management Teams (DMT's) to discuss the risks and priorities with Directors, Assistant Directors and other senior management. As a result, a 3 year Strategy for Internal Audit 2020/21 to 2022/23 was developed.

During the latter part of this process, the implications from the Coronavirus COVID-19 pandemic started to emerge with changes to working practices, and in some cases, changes to job roles. Due to the continually emerging issues, this was not reflected in the plan but as a result, the scope of some reviews changed during the year to ensure the Internal Audit Service was utilising its resources to best meet the needs of the council.

However, it was agreed with the Corporate Director of Resources and Place Delivery that as the pandemic has had a continuing impact on how services operate, during 2022/23 it would benefit the council if we continued to have a 6 month rolling plan to allow the service to react pro-actively to changing risks and priorities.

1. Recommendation(s)

1.1 That the Standards and Audit Committee:

Receive and agree the 6 month Internal Audit Plan 2022/23.

2. Introduction and Background

- 2.1 Following a comprehensive Audit Needs Assessment (ANA) process between December 2019 and March 2020, a new 3 year Internal Audit Strategy 2020/21 to 2022/23 was developed. In preparing the strategy and the annual internal audit plan, we shared them with all members of Director's Board for comment and changes were made as appropriate. In addition, we met with, and attended meetings with the following:
- HR, OD and Transformation Directorate Management Team;
 - Children's Services Senior Management Team;
 - Performance Board;
 - Director of Adult Services;
 - Assistant Director – Housing;
 - Assistant Director – Street Scene & Leisure;
 - Assistant Director – Highways, Fleet & Logistics;
 - Assistant Director – Lower Thames Crossing & Transport Infrastructure;
 - Assistant Director – Place;
 - Assistant Director – Planning & Growth;
 - Strategic Lead – Legal;
 - Strategic Lead – IT;
 - Strategic Lead – Procurement;
 - Emergency Planning Manager; and
 - Corporate Risk and Insurance Manager.
- 2.2 As part of the planning process, Internal Audit also considered a number of other sources including the External Auditor's Annual Audit and Inspection Letter, the Annual Governance Statement, Annual Governance Report and the risks arising from the Corporate Risk & Opportunity Register. New issues and potential emerging risks are also identified and discussed with senior management during the year. We also consider the results of our work in 2021/22, any deferred work and concerns raised by the Standards & Audit Committee.
- 2.3 It is important to note that the strategy and plan are designed, in part, to test the control environment surrounding potential risks and key controls.
- 2.4 Whilst the strategy remains largely unchanged, we have adopted a 6 month rolling plan for 2022/23 to enable us to continue to react positively to the changing environment and working practices resulting from the COVID-19 pandemic. We will continually revisit the plan and any changes will be agreed by the Chief Internal Auditor and/or Corporate Director of Resources and Place Delivery and be reported to members of the Standards & Audit Committee as part of the progress reporting arrangements.

3. Issues, Options and Analysis of Options

- 3.1 The current 6 month plan has been developed based upon the current resources available to the service. However, there are currently 2 Internal Auditor posts out to advert so additional work will be allocated from the plan once successful candidates have been recruited into these roles. We will keep the Standards & Audit Committee updated of these changes at each meeting.
- 3.2 Due to the lack of resources during 2021/22 and other factors which have resulted in audits having to be deferred e.g. new system implementation, new processes and procedures being implemented, a number of reviews have had to be carried forward into 2022/23 plan.

4. Reasons for Recommendation

- 4.1 For the Standards and Audit Committee to satisfy itself that:
- the detailed Internal Audit Plan for the coming financial year reflects the areas that the Standards & Audit Committee believe should be covered as a priority and recognises the additional flexibility of the plan during the next year to meet changing resources, working practices and on-going budgetary pressures.
 - Sufficient assurances are being received to monitor the organisation's risk profile effectively, including any emerging issues/key risks not included in the strategy or annual plan.

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

- 5.1 As part of the planning process, changes to the plan have been discussed with relevant members of Directors Board before being brought before the Standards & Audit Committee.

6. Impact on Corporate Policies, Priorities, Performance and Community Impact

- 6.1 The achievement of corporate priorities is a key consideration of senior management and internal audit when they are discussing the areas that need to be included within the annual audit plan.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director – Corporate Finance

The Internal Audit Plan is planned to be delivered within the annually agreed budget for 2022/23.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer

There do not appear to be any direct legal implications arising from this report and appendices. The Council has the legal obligation to maintain an adequate and effective system of internal audit and the Council has delegated this responsibility to the Standards & Audit Committee. The report recommends that the Standards & Audit Committee receives and agrees the 6 month Internal Audit Plan 2022/23. The plan identifies how the Section 151 Officer will deliver an effective internal auditing service for the Council during the year.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

There are no direct diversity implications arising from this report.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

In terms of risk and opportunity management, the Internal Audit Plan and its outcomes are a key part of the council's risk management and assurance framework. The Internal Audit Plan is based on risk assessments that include a review of the Council's Strategic/Corporate Risk & Opportunity Register.

8. Background papers used in preparing this report

- The Accounts and Audit Regulations 2015.
- Public Sector Internal Audit Standards (PSIAS).
- CIPFA – PSIAS Local Government Application Note.
- Strategic/Corporate Risk & Opportunity Register.

9. Appendices to this report

Appendix 1 - Draft Internal Audit Strategy 2020/21 to 2022/23 and 6 month Internal Audit Plan 2022/23.

Report Author

Gary Clifford
Chief Internal Auditor
Thurrock Council Internal Audit Service, Resources & Place Delivery

Standards & Audit Committee

Internal Audit Strategy 2020/21 to 2022/23 and Annual Plan 2022/23

Date: 10th March 2022

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1 Developing the Internal Audit Strategy

This document sets out the approach we have taken to develop your internal audit strategy for 2020/21 – 2022/23 and the annual plan for 2022/23.

1.1 Role of Internal Audit

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Definition of Internal Audit: Chartered Institute of Internal Auditors.

In line with the requirements of the Public Sector Internal Audit Standards (PSIAS), we plan and perform our internal audit work with a view to reviewing and evaluating the risk management, control and governance arrangements that the council has in place, focusing in particular on how these arrangements help the organisation to achieve its objectives. This involves undertaking a risk-based plan of work, agreed with management and approved by the Standards & Audit Committee. Our plan is developed to enable us to provide an opinion at year end, which may also be used by the council to support its Annual Governance Statement.

1.2 Factors influencing Internal Audit coverage

The organisation's objectives are the starting point in the development of the audit strategy.

Appendix A reflects the range of potential issues that may affect the council, some of which are included on the risk register. These were used to focus our discussions with management regarding assurance priorities and to determine where internal audit input would be most beneficial.

During 2020/21 we undertook a detailed audit needs assessment across the council to determine the key priorities for services and develop a new 3 year strategy covering the period 2020/21 to 2022/23. This included a specific detailed audit needs assessment of the IT audit plan. IT audit work is undertaken by Mazars, through a framework agreement with Croydon Council. However, a number of factors including the COVID-19 pandemic, retirement of a senior member of the team, resignation of another team member and recruitment freeze had a significant impact on the 2020/21 plan. As a result, a number of reviews from 2021/22 have had to be deferred to 2022/23.

The pandemic has had a significant impact on how the council and its staff operate with the council offices being closed and staff working from home wherever possible. As a result, some audit scopes were changed during the audits to pick up on additional risks that surfaced as a result of the council's response to the pandemic. To provide this additional flexibility, it has been agreed with the Corporate Director of Resources & Place Delivery that we will continue to work to a 6 month plan so we can pick up the changing priorities of services as a result of the pandemic and

undertake work to identify changes that have resulted in improved efficiency and effectiveness.

In preparing the strategy and the annual internal audit plan for 2020/21 to 2022/23, we met with, and attended the meetings for the following:

- HR, OD and Transformation Directorate Management Team;
- Children's Services Senior Management Team;
- Performance Board.

In addition, meetings were also held with the following senior management:

- Corporate Director of Resources and Place Delivery
- Corporate Director of Adults, Housing and Health;
- Assistant Director - Housing;
- Assistant Director – Street Scene & Leisure;
- Assistant Director – Highways, Fleet & Logistics;
- Assistant Director - Lower Thames Crossing & Transport Infrastructure;
- Assistant Director - Place;
- Assistant Director – Planning & Growth;
- Strategic Lead – Legal;
- Strategic Lead – IT;
- Strategic Lead – Procurement;
- Emergency Planning Manager; and
- Corporate Risk & Insurance Manager

The draft plan was presented to all members of Directors Board.

Whilst a number of reviews have had to be deferred due to staffing issues, 2 posts are currently out to advertisement which, when filled, should significantly improve the resources available to the service. In addition, a full audit needs assessment will be undertaken during 2022/23 to enable us to refresh the strategy to cover the next 3 year cycle.

As with previous plans, the plan for 2022/23 needs to be fluid and is constantly being reviewed, particularly during the current circumstances to ensure any changes to policy, process, legislation or priorities are reflected in the current 6 monthly plan. On-going discussions are held with senior management during the year and ad hoc reviews are undertaken where significant risks or control deficiencies are identified.

Changes to the plan can be approved by the Chief Internal Auditor and/or the Corporate Director of Resources and Place Delivery. All changes will be reported to the Standards & Audit Committee as part of the internal audit progress reporting arrangements.

The key areas / factors are summarised below.

Key areas discussed and their impact on the 2021/22 internal audit plan

- 1 We have agreed to carry out follow up visits to independently provide assurance that high level recommendations are implemented in line with target dates for reports issued in 2021/22.

- 2 The continued emphasis on achieving savings has been exacerbated by the pandemic which has had a significant impact on income generation and placed additional pressure on the resources available to fund core services.

The strategy is set out at Appendix B, with the detailed 6 monthly Internal Audit Plan for 2022/23 set out at Appendix C.

As well as assignments designed to provide assurance or advisory input around specific risks, the strategy includes:

- Planned assurance on areas of activity such as the core financial systems;
- A small contingency allocation, which will only be utilised should the need arise and which will be subject to prior approval by the Chief Internal Auditor and/or Corporate Director of Resources and Place Delivery and reported to the Standards & Audit Committee;
- Time to follow up previous recommendations and actions to provide the Standards & Audit Committee with assurance on the actions taken by management to address previous internal audit recommendations. High level recommendations will require further testing as they reach their implementation date. For medium and low level recommendations, we will place reliance on management responses but will follow-up as part of the next review of the service; and
- Audit management, which is used for quality control, preparation of the 3 year Strategy & Annual Plan, Annual Governance Statement, client meetings, External Audit liaison, preparation of the Chief Internal Auditor's Annual Report and attendance at Standards & Audit Committee.

2 Assurance Resources

2.1 Your Internal Audit Team

Your internal audit team is led by Gary Clifford as Chief Internal Auditor.

We are not aware of any relationships that may affect the independence and objectivity of the team, and which are required to be disclosed under auditing standards.

2.2 Working with other assurance providers

From 2019/20, the council's external auditors changed to BDO. We intend to continue to communicate with the external auditors to avoid duplication of coverage between internal and external audit.

The Standards & Audit Committee is reminded that internal audit is only one source of assurance. Through our plan we do not seek to cover all risks and processes. However, where we can, we will also seek to work closely with other assurance providers to ensure that duplication is minimised and a suitable breadth of assurance can be provided.

2.3 Considerations for the Standards & Audit Committee

- Does the Internal Audit Strategy 2020/21 to 2022/23 (Appendix B) cover the organisation's key risks as they are recognised by the Standards & Audit Committee?
- Does the 6 monthly Internal Audit Plan for 2022/23 (Appendix C) reflect the areas that the Standards & Audit Committee believes should be covered as priority?
- Is the Standards & Audit Committee satisfied that sufficient assurances are being received to monitor the organisation's risk profile effectively, including any emerging issues/key risks not included in the strategy or annual plan?

Appendix A: Issues affecting Thurrock Council

The chart below reflects some of the external and internal issues, both known and emerging that face the Council.

External Factors	Known	Emerging
BREXIT	✓	
Climate Change		✓
Financial Sustainability		✓
Welfare reform	✓	
Business Rates Retention		✓
Public Health (incl Pandemic)	✓	
Environmental, Social and Corporate Governance factors		✓
Regeneration	✓	
House building and financing schemes	✓	
Major Projects		✓
Homelessness	✓	
Cyber Security	✓	
Digital Transformation (including the use of Artificial Intelligence)		✓
General Data Protection Regulation	✓	

Internal Factors	Known	Emerging
Safeguarding	✓	
Fraud	✓	
Procurement	✓	
Medium Term Financial Planning	✓	
Contract Management	✓	
Partnership/Joint working arrangements	✓	
Business Continuity & Disaster Recovery	✓	
Commercialisation (including income generation and investments)		✓
Personal Budgets/Direct Payments	✓	
Financial Resilience	✓	
Financial Reporting	✓	
Transformation Programme	✓	

Appendix B: Internal Audit Strategy 2020/21 – 2022/23

Auditable Area	Risks	2020/21	2021/22	2022/23
Risk based reviews				
Corporate/Thematic Reviews				
Contract Procedures	Contract procedure rules and the procurement process may be ineffective leading to inefficiency and a lack of value for money.	✓	✓	✓
Budget Management	The new reporting system may not provide the information required by budget holders to manage their budgets effectively and appropriate training might not be provided.	✓		
Contract Management	Failure to have robust governance and monitoring arrangements around contracts that have been awarded could result in escalating costs. Contract managers may not have the skills to manage the contracts effectively.	✓		
Project Management and Governance	Failure to effectively manage projects and have robust governance arrangements in place may result in a failure to deliver the required outcomes and costs escalating.	✓	✓	✓
Corporate Health & Safety	Inadequate health and safety policies and procedures could result in an increase in incidents and accidents.		✓	
Duplicate Payment Testing	If duplicate payments are not identified, the Council may be paying twice for services it only received and budgeted for once.		✓	✓
Public Services (Social Value) Act	The Council fail to take into account the wider social, economic and environmental benefits to the local area when procuring services so may not obtain best value.		✓	
Performance Development Reviews (PDR'S)	If the PDR process is not followed, staff may be awarded an increment when their performance is below that expected and/or further training or assistance is required.			✓
Business Continuity	The Council may not be able to provide key/critical front line services in the event of an emergency or serious disruption.		✓	
BREXIT	Still not clear but may impact on NNDR (if businesses chose to trade outside the UK), increases in costs on contracts paid to foreign contractors due to falling value of the pound sterling, EU Grants and the impact on MTFs, Treasury Management etc.		✓	
Children's Services				
Fostering	Inappropriate persons may be allowed to act as foster parents.	✓		
Adoption (incl. Special Guardianship and Adoption Allowances)	Children may not be appropriately placed with adoptive parents who have been through a robust adoption process.	✓		
Cyclical School Visit Programme	The operational and financial management arrangements in Secondary and Primary Schools may be inadequate increasing the risk of impropriety.	✓		

Auditable Area	Risks	2020/21	2021/22	2022/23
No Recourse to Public Funds (NRPF)	Failure to correctly assess, manage and monitor funds paid to families with NRPF could result in payment for accommodation and subsistence being made to persons who do not qualify.	✓		
Homelessness	The council may not be meeting its obligations under the Children's Act 1989 if it does not accommodate homeless children in need who appear to require accommodation.	✓		
Troubled Families Programme	Funding claims may be rejected if there is insufficient evidence to support the services provided.	✓	✓	✓
After Care Service	The council might not continue to provide continuing support, planning and guidance for a young person who has left care or a supported living environment.		✓	
Children's Centres	The resources of Children's Centres may not be targeted at the most vulnerable families resulting in a poor use of resources.			✓
Cyclical visits to Nursery Schools	Failure to manage the budget and control debt could result in overspends and impact on service provision.		✓	
Children's Direct Payments	Failure to correctly assess clients and monitor expenditure could result in inappropriate or improper use of the funds.			✓
School Placed Planning	Without an effective co-ordinated strategy, the increasing population from families moving into the area from London could result in a shortfall in school places and a failure by the Council to meet its statutory requirements.		✓	
Section 17 Payments to Children in Need	Failure to correctly assess, monitor and manage Section 17 payments could result in them being provided to children who are not entitled to them.			✓
Unaccompanied Asylum Seekers	Payments may be made to asylum seekers who have had their applications rejected and are no longer entitled to get assistance from the Council.			✓
Adults, Housing & Health				
Liberty Protection Safeguarding	Failure to meet the requirements of the Liberty Protection Safeguards, contained in the Mental Capacity (Amendment) Act 2019 may result in vulnerable adults not receiving the help and care they require,		✓	
Collins House	If the financial and operational arrangements at Collins House are not robust, they may not protect the vulnerable adults who reside there and the staff who work there.	✓		
External Providers	If the financial and governance arrangements with external providers are not robust, the council may not be getting the quality of service they commissioned at the agreed cost putting the vulnerable adults who reside there at risk. In addition, poor controls around collection of income from clients' contributions to their care could result in financial loss to the Council.	✓		
Day Care Centres	If the financial and operational arrangements at Day Care Centres are not robust, they may not maximise the available funds to improve the lives of those residents who use their services.	✓		

Auditable Area	Risks	2020/21	2021/22	2022/23
Adult Social Care Placements	If there are not appropriate financial checks in place around placements of people requiring care, resources may not be used efficiently resulting in additional costs.	✓		
Migration Costs to Adult Social Care	The council may not be identifying adults with existing care needs who move into the area resulting in additional pressure on budgets.			✓
Children's and Adults Commissioning Service	If commissioning of services is not effective, the council may not be obtaining value for money.		✓	
Children's and Adults Finance Function	If processes and procedures are not operating effectively, there may be duplication and inconsistent decision making.		✓	
Workforce Planning Project – Caring as a Career	Opportunities may be missed to promote a regional joint commissioning model with Public Health to help in developing the care profession.			✓
Adult's Direct Payments	Failure to correctly assess clients and monitor expenditure could result in inappropriate or improper use of the funds.		✓	
Extra Care Follow-up	If the recommendations from the review undertaken in 2019/20 are not implemented, cash may continue to be used which could result in funds being misappropriated.	✓		
Primary Care Contracts – Sexual Health	If performance is not monitored and checked, clients may not get the level of service they are entitled to under the primary care contracts for sexual health.		✓	
Housing Allocations	Policies and procedures may not be followed which could lead to complaints about equality and the fairness around the assessment process and allocation of Council properties.			✓
Housing Tenancy Audits	Failure to identify current tenants in council properties could result in increases in properties being sublet when there are residents on the housing waiting list who are eligible to be housed in those properties.		✓	
Right to Buy	If correct procedures are not followed, incorrect discounts may be applied resulting in loss of income to the Council.		✓	
Temporary Accommodation	The framework procurement agreed by Cabinet in March 2020 may not result in sufficient letting agents and private landlords being contracted with, resulting in increasing costs being spent on temporary accommodation.	✓		
Houses in Multiple Occupation (HMO's)	If there are not robust arrangements in place around licencing, If there are not robust arrangements in place around licencing, residents may be residing in properties that are not fit for purpose.	✓		
Homelessness	The council's Homelessness Reduction Strategy may not be effective resulting in an increase in homeless families and rough sleepers across the borough. New arrangements and changes to legislation could result in the Council not being able to discharge its duties in respect of homelessness.	✓		

Auditable Area	Risks	2020/21	2021/22	2022/23
Leaseholders	Charges made to leaseholders for services provided may not be reasonable or in line with guidance.	✓		
Safeguarding	If there are not robust contracts around partnerships for supported living, residents may not be properly safeguarded.		✓	
Building Safety	The council may not be compliant with the recommendations from the Hackitt Review of Building Regulations and Fire Safety following the tragedy at Grenfell Towers thereby putting residents at risk.		✓	
Housing Voids	If the correct policies and procedures are not in place, void properties may not be returned to the council housing stock in a timely manner resulting in lost income and potential increased costs for temporary accommodation.	✓		
Thurrock Regeneration Limited (TRL) Governance Arrangements	If governance arrangements are not robust and the Board do not have the necessary skills, decisions may be made which cannot realistically be delivered resulting in less properties being built than are required.	✓		
Housing Development	If the process for identifying new sites for housing developments is not transparent to the public, objections may result in the development being delayed or not happening at all.	✓		
Water Charges to Tenants	If the council fail to charge tenants who pay their water rates as part of their rent the incorrect amount, they may have to refund the overpayments resulting in unexpected financial implications on other services.	✓		
Library Visits	The operational and financial management arrangements in Libraries may be inadequate which could result in poor budgetary control and misappropriation of funds.		✓	
Gas Safety Inspections	Council properties may not be inspected in accordance with legislation and/or policy.			✓
Electrical Safety Inspections	Council properties may not be inspected in accordance with legislation and/or policy.			✓
Disabled Facilities Grants	Grants may not be used in accordance with grant requirements.		✓	
Responsive and Planned Maintenance	Contracts around repairs and maintenance and planned maintenance may not be managed resulting in residents not having quality housing available to them and costs escalating.		✓	
Adult Social Care Expenditure	To provide assurance to external audit around key financial systems.		✓	
Adult Social Care Income				✓
Housing Rents		✓	✓	✓
Finance, Governance & Property				
Insurance	There could be an increase in claims due to ineffective monitoring and use of resources.		✓	

Auditable Area	Risks	2020/21	2021/22	2022/23
Risk Management	Failure to identify risk as part of the business planning cycle could lead to failure of the plans and reputational damage to the Council.		✓	
VAT	The council may not be complying with the issues raised following the Inspection by HMRC in 2019/20 which could result in a loss of VAT reclaimed.	✓		
Treasury Management	If appropriate checks and balances are not in place, the council could expose itself to additional financial risk and may not maximise income from its investments and borrowing.	✓		
Corporate Purchase Cards	The use of Purchase Cards could result in staff ordering and paying for goods that are not appropriate resulting in a financial loss to the Council.	✓	✓	✓
Locum Charges	The use of Locums to supplement existing staff can be an expensive use of resources if they are not monitored as they could charge for work that has not been carried out.		✓	
Section 113 Agreement charging mechanism (Barking & Dagenham)	If the charging system for staff who work across both LBBD and Thurrock under a section 113 agreement are not monitored, the council may be paying for services that have not been provided.	✓		
Committee Services Function and Resources	As the role of local authorities expands and more committees are introduced, the Democratic Services team may not have the resources to effectively service these new committees.	✓		
Election Expenses	Service budgets could be used to supplement the costs of running the election when these costs should be met from the elections funds provided by central government for all elections except for local elections which are funded by the council.		✓	
Local Government Ethical Standards – Action Plan	The council and members may not be meeting their responsibilities and be compliant with the Local Government Standards resulting in potential criminal offences being committed	✓		
Bye Laws – Highways, Play Areas and Parks	If there are not processes in place to monitor existing, and identify new and emerging bye-laws, the council may not be compliant which could result in fines and penalties.		✓	
Charities' Land Ownership	Charities may be using their land and premises to generate additional income resulting in a change of use which could have legal and insurance implications.			✓
Shop Premises	Arrangements' around the management of shop premises may not be robust leading to loss of income to the Council.			✓
Register of Interests, Gifts & Hospitality	Non-compliance with the Constitution and Code of Conduct may open the Council up to accusations of impropriety.	✓	✓	✓
Member's Allowances	Allowances may not be claimed or paid in accordance with the decision of the independent panel.		✓	
Asset Management – Disposals & Acquisitions	Disposals and acquisitions may not be effectively managed resulting in loss of opportunities, funding and reputation.	✓		

Auditable Area	Risks	2020/21	2021/22	2022/23
A13 Kier issues and compensation claims	If compensation claims are not robustly monitored and managed, the council may be paying the contractor for claims which are not reasonable or within the scope of the project resulting in escalating costs.	✓		
Stanford Le Hope Contracts	If the design stage of the project is not properly managed and challenged, the consultants may not work with the council to identify the key risks resulting in additional build costs.		✓	
Belmont Road contract review	There have been problems with this site which have resulted in delays in completing the work. This includes one of the contractors walking off site and putting in a compensation claim and the fact the contract was not novated to TRL so remains with the council.	✓		
Core Protection and Appointee Team	Poor management and lack of controls could result in the assets of adults deemed to be financially incompetent under the Mental Capacity Act being misappropriated.		✓	
Oracle – General Ledger	To provide assurance to external audit around key financial systems.		✓	✓
Accounts Payable		✓	✓	✓
Accounts Receivable		✓	✓	✓
Council Tax		✓	✓	✓
National Non Domestic Rates		✓	✓	✓
Housing Benefits		✓	✓	✓
Treasury Management			✓	
Asset Register			✓	
Public Realm				
Bridge Maintenance	Ineffective Bridge Maintenance may result in expensive unplanned costs being incurred.		✓	
Emergency Planning	The Council may not be able to react appropriately in the event of a disaster.			✓
Arboricultural Services	If the new asset management software is not fit for purpose, the council will not be able to monitor and maintain its species in accordance with its strategy which could result in some species of trees and plants being lost.	✓		
Burials Service	The council may not manage its assets appropriately resulting in additional costs to residents and poor use of resources.		✓	
Waste Strategy	The council might not incorporate and action new legislative changes into its strategy resulting in non-compliance and potential financial implications.			✓

Auditable Area	Risks	2020/21	2021/22	2022/23
Waste Contracts	If contracts are not procured and managed in a robust way, the council may find itself incurring additional costs and not meeting its targets in terms of recycling and its impact upon the environment.			✓
Stores Follow up Review	Follow up review to ensure the recommendations made during the audit review undertaken in 2018/19 have been implemented.	✓		
Fleet Follow up Review	Follow up review to ensure the recommendations made during the audit review undertaken in 2018/19 have been implemented.	✓		
Home to School Transport	If the new software is not fit for purpose, the council may not manage its school contracts effectively and efficiently resulting in additional costs being incurred.	✓		
Highways Reactive Maintenance – Requests & Responses	The Council may fail to maintain a dialogue with the residents reporting faults resulting in damage to the Council's reputation and a deteriorating local highways network.		✓	
Commercial Waste	New sales activity started May 16. Some invoices outstanding. Now actively seeking and winning new business. If processes are not robust, the Council may not be billing customers and getting in the income.			✓
Environmental Health (Air Quality) Follow up	Follow up of the review carried out by Internal Audit in 2018/19 to ensure actions have been implemented and improvements made and the council are meeting their statutory obligations for air quality management.		✓	
Licencing - Premises	If premises are trading without the required licence, they may be operating from premises that are not legal and do not meet applicable health and safety requirements.	✓		
Licencing - Taxis	If taxi drivers are working without a relevant licence, they may not have been subjected to appropriate safeguarding checks or be operating in unregistered vehicles.	✓		
Building Control	If the service do not respond in a timely manner and their rates are excessive, they may lose business and income to competitors resulting in a loss of income to the council.	✓		
Community Safety	Non-compliance with section 17 of the Crime and Disorder Act relating to the Council's duty to consider crime and disorder implications may leave them open to legal challenge.		✓	
Strategic Transport Plan	If the council do not have a Strategic Transport Plan, it may not take into account the effects of development and regeneration within Thurrock resulting in increased congestion and a negative impact on the environment.		✓	
Trading Standards	Non-compliance with statutory requirements in respect of Trading Standards might result in dissatisfaction amongst local residents.			✓

Auditable Area	Risks	2020/21	2021/22	2022/23
Fraud Team – Income Generation	Failure to achieve income targets may result in the service not meeting its objectives and plans and resources may have to be diverted from other services to support the team.		✓	
Enforcement Team	If processes are not robust and fair, the council may not issue penalties and fines in line with legislation resulting in appeals and damage to the council's reputation.			✓
ISO 9001 – Environmental Services	If the council does not meet the requirements set out in the standard, it will lose its accreditation which could result in a reduction in controls around management, processes and procedures.	✓	✓	✓
Strategy, Engagement and Growth				
Economic Development Purfleet Centre Regeneration Ltd	Failure to manage the project effectively could result in the Council failing to deliver on time and within budget which could have financial and reputational consequences.	✓		
Economic Development Grays Town Centre	Failure to manage the project effectively could result in the Council failing to deliver on time and within budget which could have financial and reputational consequences.		✓	
Economic Development Tilbury Town	Failure to manage the project effectively could result in the Council failing to deliver on time and within budget which could have financial and reputational consequences.		✓	
Local Plan	Due to issues around the Lower Thames Crossing, the council are developing a new Local Plan. Failure to adopt a Local Plan could result in sites not being identified and developed to benefit the local community.		✓	
Performance Management (Data Quality)	Performance Management may not be embedded in the organisation resulting in poor performance, poor quality information and poor decision making.	✓	✓	✓
Thurrock Registrar's Office	The Council may not comply with legislation resulting in increased external scrutiny by the Cabinet Office.			✓
Cash & Banking	To provide assurance to external audit around key financial systems.		✓	
HR, OD & Transformation				
Complaints	If complaints from members of the public and members are not responded to correctly and within timeframes, the reputation of the council may be damaged and there could be fines and penalties levied by the Ombudsman.	✓		
Data Protection	Failure to comply with the Data Protection Act 2018 could result in sensitive information being shared, resulting in significant fines and penalties being levied against the council.	✓		
Geographic Information System	If the Council does not have an up to date GIS system, including the Local Land & Property Gazetteer and Local Street Gazetteer, it may not be utilising the system efficiently or meeting its statutory responsibilities.			✓

Auditable Area	Risks	2020/21	2021/22	2022/23
Disclosure and Barring Service (DBS)	DBS checks that are due for renewal may not be identified resulting in changes to their circumstances not being reflected which could result in inappropriate persons being employed/used.	✓	✓	✓
Payroll	If payroll processes and procedures are not robust and accurate, staff may not get paid correctly, or at all.	✓	✓	✓
Off Payroll Engagement (IR35)	The Council may not be identifying personal service companies (PSC's) so will not be making the appropriate tax and NI deductions from the invoice net of any material costs resulting in the council being responsible for paying any back tax and NI due.	✓	✓	✓
Health and Care Professions Council Social Work England Registration	If health and social care staff are not registered, they may not have the necessary skills and knowledge to perform the tasks required of them.		✓	
Recruitment	Poor recruitment policies, procedures and practices could result in the council employing staff who are not suitable for the role.		✓	
Probation/Induction (On Boarding)	If staff are not properly on-boarded to the council, they may not be able to properly undertake their job and not complete their probation satisfactorily resulting in the need to incur additional expenditure recruiting someone more suitable.	✓		
Annual Leave	If annual leave is not correctly calculated, input or authorised, staff may take more, or less, leave than they are entitled to.		✓	
Sickness Management	Failure to effectively manage sickness could result in absences increasing, costs for cover staff escalating and the council not meeting its duty of care towards its employees			✓
Mileage Claims	With the move to self-service and automated approval of mileage claims, there is a greater risk that inaccurate claims could be submitted resulting in additional cost to the council.			✓
General Data Protection Regulations (GDPR)	A rolling programme of audits to cover the following: Preparation for the adoption of GDPR including arrangements around data storage (electronic and physical); confidentiality, integrity and availability of data; information governance; compliance with DPA and FOI; detection of data breaches and how they are dealt with and reported (internally and externally), organisational awareness and training; and data classification and management.			✓
IT – Network Security	These reviews were identified as part of an audit needs assessment undertaken between Mazars and IT and for which a separate plan has been produced.		✓	
IT – Firewalls			✓	
IT – Cyber Security				✓
IT – Email & Exchange Server			✓	

Auditable Area	Risks	2020/21	2021/22	2022/23
IT - Business Continuity & Disaster Recovery		✓		
IT – Data Back-up		✓		
IT – Data Applications - Oracle		✓		
IT – Data Applications - Northgate				✓
IT – Data Applications – Liquidlogic Adults & Children’s Systems (LAS, LCS)				✓

Auditable Area	Risks	2017/18	2018/19	2019/20
Other Internal Audit Activity				
Follow up	To meet internal auditing standards, and provide assurance on action taken to address recommendations previously agreed by management.	✓	✓	✓
Contingency	To allow additional reviews to be undertaken in agreement with the Standards & Audit Committee or management based in changes in risk profile or assurance needs as they arise during the year.	✓	✓	✓
Management	This will include: <ul style="list-style-type: none"> • Annual planning. • Preparation for, and attendance at, Standards & Audit Committee. • Regular liaison and progress updates. • Liaison with external audit and other assurance providers. • Preparation of the annual opinion. • Attendance at Directorate Management Team, Leadership Group, Home Counties Chief Internal Auditors Group, London Audit Group and Essex Audit & Counter Fraud Group meetings. • Preparation of the Annual Governance Statement. 	✓	✓	✓

Appendix C: 6 monthly Internal Audit Plan 2022/23

Auditable Area	Rationale for Internal Audit Coverage	Audit Approach	Proposed Timing
6 monthly Internal Audit plan 2022/23			
Corporate/Thematic Reviews			
Contract Procedures	To ensure the procurement of contracts is in compliance with legislation and the Council's Constitution. The awarding of contracts is backed up by appropriate documentation and evidence.	Compliance	On-going
Budget Management	To review the new reporting system "Beyond" which supports Oracle and ensure it has been rolled out appropriately, staff have been trained and reports are understood by budget holders.	System	July/August 22
Contract Management	To ensure there are robust monitoring and governance arrangements around key contracts so the council can be confident that they are being managed properly.	Assurance	On-going
Business Continuity	To ensure the council and its partners have robust arrangements in place in the event of a disaster.	Assurance	May 22
Financial Sustainability	To review the resilience of the council's financial arrangements in the short to medium term following the additional financial pressures resulting from the COVID-19 pandemic.	Assurance	May/Jun 22
COVID-19 Grant Claim Certification	To review income and expenditure relating to COVID-19 and ensure it has been used in accordance with the grant conditions.	Compliance	On-going
Project Management & Governance	To review the terms of reference and effectiveness of project boards and the arrangements around the project control framework.	Assurance	As and when required
Children's Services			
After Care Service	The council has a statutory obligation to provide continuing support, planning and guidance for a young person who has left care or a supported living environment to help them to be able to live independently.	Assurance	September 22
Troubled Families Programme	Checking of a sample of claims to determine if evidence is sufficient to confirm that the claims being submitted are appropriate and correct.	Advisory	On-going when claims are due.
Adults, Housing & Health			
Extra Care	A review to ensure that the financial arrangements at the Extra Care facilities are	Follow up	May 22

Auditable Area	Rationale for Internal Audit Coverage	Audit Approach	Proposed Timing
	robust and protect the vulnerable adults who reside there and the staff who work there.		
Collins House	To undertake a review of the financial arrangements at Collins House to ensure they are robust and protect the vulnerable adults who reside there and the staff who work there.	Assurance	September 21
External Providers	To undertake a review of the governance, monitoring and financial arrangements with external providers to ensure they are robust and protect the vulnerable adults who reside there.	Assurance	TBA
Placements – financial checks and use of resources	To review how management monitor and check placements including controls around financial limits and the use of resources.	Assurance	TBA
Temporary Accommodation	To review the processes and procedures in place around the mandatory licencing scheme and additional licences and determine if non-compliance is resulting in robust enforcement.	Assurance	June 22
Leaseholders	New Northgate module for revenue service charges being implemented so there is a need to review that it meets the council's requirements.	System	TBA
Housing Voids	To review the policies and procedures surrounding the voids process, including the identification of void properties and turnaround targets against actual performance.	Assurance	June 22
Resources and Place Delivery			
Treasury Management	A review to look at new processes and procedures introduced as a result of the use of a consultancy to scope a design pack for interest received and the amount of borrowing.	Assurance	TBA
Corporate Purchase Cards	To review the application, monitoring and management of the purchase card process following the decision to roll them out across the council to reduce the need to set up numerous suppliers for small value purchases.	Compliance	TBA
Committee Services Function and Resources	With an increasing number of committees and member boards, there is a need to ensure that the Democratic Services team have sufficient capacity to deliver.	Assurance	TBA
Local Government Ethical Standards – Action Plan	The Committee on Standards in Public Life published their latest report in January 2019 which made a number of recommendations to enhance ethical governance for members. There is a need to ensure the council adopts these recommendations.	Assurance	TBA

Auditable Area	Rationale for Internal Audit Coverage	Audit Approach	Proposed Timing
Register of Interests, Gifts & Hospitality	Annual review to ensure members and senior officers review and update the register in line with guidance. This may be incorporated into the Local Government Standards Action Plan review.	Assurance	July 22
Asset Management – Disposals & Acquisitions	Changes introduced to encourage local authorities to identify and potentially dispose of surplus assets to generate income need to be reviewed. In addition, assets may be acquired for investment purposes including land purchases for housing developments.	Assurance	August 22
IT - Business Continuity & Disaster Recovery	Identified as a high risk area when completing an audit needs assessment of IT coverage.	Assurance	TBA (provider not yet sure due to COVID 19)
IT – Data Back-up	Identified as a high risk area when completing an audit needs assessment of IT coverage.	Assurance	TBA (provider not yet sure due to COVID 19)
IT – Data Applications - Oracle	Identified as a high risk area when completing an audit needs assessment of IT coverage.	Assurance	TBA (provider not yet sure due to COVID 19)
Public Realm			
Home to School Transport	A new transport system is being introduced and management requested a review to determine that it is operating as expected and benefits are being realised.	System	April/May 22
ISO 9001 – Environmental Services	Previous Auditor had to pull out of contract so internal team now provide this service which covers a number of areas in Environment.	Compliance	On-going as and when inspections are due.
Project Health Checks	Random sample testing of projects to ensure they are being managed in line with the new methodology.	Assurance	On-going
Economic Development Purfleet Centre Regeneration Ltd	To review the project management, funding and governance arrangements to ensure the project is meeting its objectives and will be completed in line with agreed timeframes.	Assurance	TBA
Housing Development	Management request to review the process around identifying and reporting new sites for housing, including transparency around consultation with the public.	Assurance	TBA
Thurrock Regeneration Limited (TRL) Governance Arrangements	A review to determine the robustness of the corporate governance including the skill set of the Board, decision making and monitoring processes around the Council's wholly owned housing company.	Assurance	TBA
Licencing - Taxis	A number of authorities have identified concerns	Assurance	April 22

Auditable Area	Rationale for Internal Audit Coverage	Audit Approach	Proposed Timing
	around taxi firms and safeguarding of local residents. Having robust checking processes around the licencing of drivers can reduce this risk.		
Strategy, Engagement and Growth			
Performance Management (Data Quality)	Sample testing of key performance indicators taken from the balanced scorecard, both national and local to verify accuracy of data. This may be done through a one-off audit around a sample of KPI's or checks undertaken on individual audit reviews.	Advisory	On-going
HR, OD & Transformation			
Data Protection	The Data Protection Act 2018, which compliments GDPR, has changed the requirements on local authorities and increased the penalties for non-compliance.	Assurance	TBA

Auditable Area	Internal Audit Coverage	Audit Approach	Proposed Timing
Core financial reviews to provide assurance to External Audit			
Accounts Payable	<ul style="list-style-type: none"> • Ordering & authorisation • Invoice matching • Separation of duties • Payment processing • BACS transfers • Reconciliation 	System	TBA
Accounts Receivable	<ul style="list-style-type: none"> • Processes and procedures • Reconciliation • Write-offs • Recovery • Analysis 	System	TBA
Council Tax	<ul style="list-style-type: none"> • Processes and procedures • Reconciliation • Billing • Collection & Recovery 	System	September 22
National Non Domestic Rates	<ul style="list-style-type: none"> • Processes and procedures • Reconciliation • Billing • Collection & Recovery 	System	September 22
Housing Benefits	<ul style="list-style-type: none"> • Processes and procedures • Processing of forms • Entitlement checks • Reconciliation • Raising Debts • Year-end balancing 	System	April/May 22
HR/Payroll	<ul style="list-style-type: none"> • Starters/Leavers • Authorisation • System access • Amendments • Exception reporting • Reconciliation • Suspense accounts 	System	TBA
Housing Rents	<ul style="list-style-type: none"> • Tenant checks • System access controls • Reconciliation • Calculations of payments 	System	TBA

Auditable Area	Rationale for Internal Audit Coverage	Audit Approach	Proposed Timing
Other Internal Audit Activity			
Contingency	To allow additional reviews to be undertaken in agreement with the Standards & Audit Committee or management based in changes in risk profile or assurance needs as they arise during the year. Ad hoc project work for services in an advisory capacity.	N/A	On-going
Follow up	To meet internal auditing standards, and to provide assurance on action taken to address recommendations previously agreed by management.	Follow up	On-going
Management	<p>This will include:</p> <ul style="list-style-type: none"> • Annual planning. • Preparation for, and attendance at, Standards & Audit Committee. • Regular liaison and progress updates. • Liaison with external audit and other assurance providers. • Preparation of the Head of Internal Audit's Annual Report. • Attendance at Directorate Management Team, Leadership Group, Home Counties Chief Internal Auditors Group, London Audit Group, Essex Audit and County Chief Auditors Network meetings. • Preparation of the Annual Governance Statement 	N/A	On-going

10 March 2022	ITEM: 8
Standards and Audit Committee	
Counter Fraud & Investigation Quarterly Update (Q3)	
Wards and communities affected: All	Key Decision: N/A
Report of: Michael Dineen, Strategic Lead, Counter Fraud & Investigation	
Accountable Assistant Director: David Kleinberg, Assistant Director for Counter Fraud, Investigation & Enforcement	
Accountable Director: Julie Rogers, Director of Public Realm	
This report is Public	

Executive Summary

The Counter Fraud & Investigation service is responsible for the prevention, detection and deterrence of all instances of alleged economic crime affecting the authority including: allegations of fraud, theft, corruption, bribery and money laundering.

This report outlines the performance of the CFI team over the last quarter (Q3) for Thurrock Council as well as the work the team have delivered nationally for other public bodies.

1. Recommendation

1.1 The Standard and Audit Committee notes on the performance of the Counter Fraud & Investigation service.

2. Introduction & Background

2.1 The council's Counter Fraud team is responsible for delivering the corporate counter fraud programme which includes proactive work to enhance the council's controls as well as respond to intelligence from that proactive work and information from other sources.

3. Performance

3.1 CFI receives reports about suspected fraud from the public, government and law enforcement partners, internal referral mechanisms and proactive

operations. The figures show the performance of the department for Quarter 3 (Q3) of 2021/22.

- 66 reports of suspected fraud have been received in Q3

Housing	Transport	Revenues	RTB	Theft	Grants	Social Care	Worker (Insider Threat)
40	1	3	14	0	1	2	3
£1,697,800	£750	£3,000	£1,184,400		£5,000	£20,000	£0

- 38 Investigations have been closed this quarter

Housing	Revenues	Worker
28	6	3
£348,800	£6,000	£0

- 2 sanctions have been delivered in cases of proven fraud
- Value of detected Fraud in this quarter is £579,095.62
- 1 Social housing properties have been recovered
- 91 investigations are currently being conducted by the CFI

Housing	Money Laundering	Social Care	Revenues	Transport	Worker (Insider Threat)
54	5	3	4	3	7
£1,243,500	£3,690,000	£220,000	£357,367	£2,250	£10,000

Theft	Grant	RTB	Procurement	With Legal
3	3	2	1	6
£1,000	£15,000	£168,400	£1,000,000	£155,719

3.2 The ring-fenced National Investigation Service (NATIS) function continues to support both central and local government bodies, with over 180 public bodies supported so far in tackling serious and organised crime across the country.

4. Work Plan for 2021/22

4.1 CFI has a programme of proactive work to ensure the council's controls against fraud are robust and effective. That plan was presented and accepted by the Standards and Audit Committee in July 2021. **Appendix 1** sets out the progress made in delivering the Counter Fraud & Investigation Work Plan 2021/22.

4.2 The work programme is a working document and if during the year changes or additions to the plan are proposed between the CFI and the Section 151 Officer, these will be brought back to the Committee for approval.

5. Reasons for Recommendation

- 5.1 This report provides a detailed update to the Committee on the counter-fraud measures for the Council and how it is reducing fraud under the council's counter-fraud strategy.

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

- 6.1 All Directors and Heads of Service were consulted with the current strategy to be taken by the Council in its counter-fraud approach.

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

- 7.1 Work undertaken by CFI to reduce fraud and enhance the Council's anti-fraud and corruption culture contributes to the delivery of all its aims and priorities supporting good corporate governance.

8. Implications

8.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant, Finance

There are no financial implications arising from this report.

8.2 Legal

Implications verified by: **Deirdre Collins**
Senior Barrister, Legal Services

There are no legal implications.

8.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

There are no social or community issues surrounding this report. There are also no Diversity or Equality issues.

8.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

None.

9. **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):

Counter Fraud & Investigation Policy & Strategy – thurrock.gov.uk/fraud
Counter Money Laundering Policy & Strategy – thurrock.gov.uk/fraud
CroweClarkWhitehill Annual Fraud Indicator – crowe.co.uk

10. **Appendices to the report**

Appendix 1 – Counter Fraud Work Plan 2021/22

Report Author

Michael Dineen

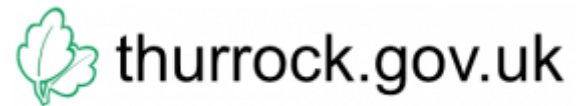
Strategic Lead, Counter Fraud & Investigation

Counter Fraud & Investigation



See it. Report it. Stop it.

Counter Fraud Work Plan 2021/22



Our Fraud Control Strategy

CF&I uses a Control Strategy to focus its work in the right areas for Thurrock. That approach ensures that we are able to identify at the earliest stage intelligence relating to the key priorities below, particularly those affecting the most vulnerable of society.

Who are We?

A specialist function to protect public finance from fraud and serious crime, using our legal framework as a local authority service

What is Our Purpose?

- 1 Protect the public purse from crime
- 2 Support the wider-public sector with shared, advanced capabilities

What are Our Priorities?

Crimes affecting a vulnerable adult or child

Insider threats in local government

Organised crime targeting local government

Improving local government's resilience to cyber crime

How do we Succeed?

Always acting Ethically in everything that we do, working to our values, attitudes and principles

Consider opportunities to work collaboratively with others for the benefit of our purpose, sharing our knowledge, experience and expertise

Apply the 4 'P' Strategy to Prevent, Protect and Prepare local government for economic crime, pursuing offenders where necessary

Ensure our teams are fully equipped to respond to the threats faced from economic crime

Proactive Work Plan 2020/21

Risk Area	Activity	When	Current Status	Responsible Officer	Date Complete
Council-wide	<p>Training of high risk areas in counter fraud measures</p> <p>Ensure understanding of the threats posed to those areas. To be tailored to the areas and ongoing support offered via a Single Point of Contact with CFI</p>	06/21 To 05/22	This is being completed with CFI Staff delivering training to various departments including Housing.	Phil Butt (Officers delivering - Robert Kleinberg and Daniela Croci)	
Council-wide	<p>Review all relevant policies concerning fraud aspects</p> <p>Ensuring that all hold the most up to date legislative information as well as ensuring best practice is always adhered to.</p>	01/22	No Changes are required at this time. This will be an ongoing review, where changes will be brought to the attention of senior staff and councillors.	Michael Dineen	
Revenues & Treasury	<p>COVID-19 Business Grants Counter Fraud Programme</p> <p>The council has awarded £19m of government grants to businesses during the COVID-19 pandemic. The team will be using the Counter Fraud tools provided by the Cabinet Office and commercial sector to assure the payment already made and prevent future frauds.</p> <p><i>(Continued from 2020/21 due to ongoing grants)</i></p>	06/21 To 05/22	CFI continues to assist where required and have access to the SPOTLIGHT and NFI datasets where CFI assist the Revenues Department with regards to grants that are administered.	David Nash	
Council-wide	<p>Renewed Education & Marketing Campaign for Countering Fraud, Housing Fraud, Insider Threats and Corruption</p>	12/21	This is in its final stages of design and will be taken to Senior Management and then committee before being displayed online and 'in house' at the civic offices.	Nicholas Coker	
Council-wide	<p>Targeting POCA and Civil Legislation to maximise effect on criminal behaviour</p> <p>Ensure that CFI utilise the appropriate legislation to maximise the effects on criminals and ensure that our</p>	06/21 To 05/22	This is a continued piece of work and we have had POCA cases raised by the CFT and they will continue to do so.	Roger Noakes	

Risk Area	Activity	When	Current Status	Responsible Officer	Date Complete
	vision of protecting the public purse is adhered to by promoting this work.				

10 March 2022	ITEM: 9
Standards and Audit Committee	
Audit Progress Report for the Year Ended 31 March 2021	
Wards and communities affected: All	Key Decision: Key
Report of: Sean Clark, Corporate Director of Resources & Place Delivery	
Accountable Assistant Director: Jonathan Wilson, Assistant Director—Finance	
Accountable Director: Sean Clark, Corporate Director of Resources & Place Delivery	
This report is Public	

Executive Summary

This report details the progress of the audit for 2020/21 financial statements.

The audit field work is largely complete. However, a significant proportion of the work remains subject to review processes from senior team members. This review process has been delayed by the absence of a key team member.

This audit delay remains consistent with the wider national position and central government has written to the Council to set out proposed actions to address delays to the completion of local authority audits. Further action is being taken by CIPFA to reduce the level of audit work required in subsequent years.

1. Recommendation

1.1 That the Standards and Audit Committee note the progress of the external auditors in completing the audit of 2020/21 financial statements.

2. Introduction and Background

2.1 While good progress has been made in most areas of the audit, this work remains subject to the detailed review process. With the unexpected absence of a key member of the audit team, these reviews have been delayed and external audit are unable to issue a final audit completion report.

2.2 Thurrock Council published its draft statement of accounts by the deadline of 31 July 2021. The deadline for publication of the audited Statement of Accounts was 30 September 2021. This deadline was two months earlier than

the deadline for 2019/20 financial statements which was 30 November. Prior to the Covid-19 pandemic the deadline was 30 July.

- 2.3 External audit work covering the statement of accounts commenced in September 2021 and was expected to be completed ahead of this committee.
- 2.4 Initial planning work has also been undertaken for to support the value for money conclusion. Much of the field work is to be completed within three months following the issue of the audit opinion and is expected to be impacted by the delay.
- 2.5 The pandemic has made it particularly challenging to both produce and audit the financial statements. This has had an impact on the delivery of the audit as external audit teams have adjusted to new remote processes. This is coupled with the need to meet more challenging standards of external audit quality. This has led to more work for external audit teams especially covering accounting estimates.
- 2.6 The government has raised concerns over an unprecedented 91% of 2020/21 local audits missing the statutory deadline of 30 September and is taking action to implement measures to help tackle audit delay.

3. Issues, Options and Analysis of Options

- 3.1 The Audit Progress Report included in Appendix 1 sets out the progress to date. The Audit Progress Report will be presented by BDO.
- 3.2 The external audit field work is substantially complete in most areas of the audit. However, much of this work is pending review from the audit manager and engagement lead. Due to an unexpected absence of a key member of the audit team, these reviews have not taken place as expected and therefore external audit is unable to report a finalised position to this Committee. Officers have worked hard to support the audit process and have resolved queries quickly and effectively. Outstanding queries have been maintained to a low level throughout the audit.
- 3.3 External audit teams are grappling with the issues of working remotely with some members of the team being new to the profession and therefore require more supervision which is not always possible with remote workings. The market has been suffering generally with a shortage of experienced staff to perform local audits.
- 3.4 Each year further quality standards are placed on external auditors by the regulators or changes are made to the external auditing standards which all contribute to increased audit work and therefore compromise the meeting of the audit deadline. Extensive audit work is performed over significant accounting estimates such as the valuation of property, plant and equipment assets and pension liabilities and assets which do not have an impact on the General Fund.

- 3.5 The delay in the delivery of local authority audits is a national issue. 91% of 2020/21 local authority audits missed the statutory deadline of 30 September 2021 and 60% were still outstanding by 31 December 2021. The Council's audit position is consistent with this and it is noted that, at an audit firm level, just 8% of BDO's audits were completed by the end of Jan 2022.
- 3.6 With the absence of a key member of the team, audit completion is further delayed. We look to BDO to provide an update on this position and for a plan to be put together to achieve audit completion as soon as possible.
- 3.7 More widely concerns over audit delay have been raised by government as set out in the letters in Appendices 2 and 3. These set out some actions being taken to address the issues experienced across the sector.
- 3.8 Furthermore, CIPFA opened a consultation on two emergency proposals for updating the 2021/22 Code of Practice on Local Authority Accounting in the United Kingdom to help further alleviate the current delays in meeting audit completion deadlines. The two proposals are:
- Pausing the requirements for the professional valuation of operational property, plant and equipment assets in the 2021/22 Code and (at least) the 2022/23 Code. This would be replaced by the application of centrally determined indices.
 - Deferring the implementation of IFRS 16 which specifically applies to accounting for leases. This was set to be implemented in the 2022/23 Code, and hence a delay would free up both preparer and auditor time.
- 3.9 The impact of the proposed measures from government and CIPFA remains under consideration but concerns remain over the ability to meet the deadlines proposed for subsequent audits of local authority accounts.

4. Reasons for Recommendation

- 4.1 For the committee to note the progress of the external auditors in completing the audit of 2020/21 financial statements.

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

- 5.1 All services and senior management have been consulted in the compilation of this document.

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

- 6.1 The level of resources and how they are allocated will affect the amounts available towards the Council's overall aims and objectives.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Sean Clark, Corporate Director of Resources & Place Delivery

The statements are largely governed by the Code. An unmodified opinion sets out independent confirmation of the Council's financial position and provides assurance over the Council's use of resources.

7.2 Legal

Implications verified by: **Mark Bowen**
Deputy Monitoring Officer

There are no specific implications from this report.

7.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead Community Development & Equalities

There are no specific implications from this report.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

There are no specific implications from this report.

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):

- There are various working papers within Corporate Finance.

9. Appendices to the report

- Appendix 1 – Audit Progress Report
- Appendix 2 – Letter from Department of Levelling Up, Housing and Communities - Local Government Audit dated 26 November 2021
- Appendix 3 - Letter from Department of Levelling Up, Housing and Communities - Local Government Audit 18 January 2022

Report Author: Jonathan Wilson, Assistant Director - Finance

Report to the Standards and Audit Committee

THURROCK COUNCIL

Audit Progress: year ended 31 March 2021



Overview

The purpose of this report is to give the Standards and Audit Committee an update on the progress of the audit for the year ended 31 March 2021 in the context of the wider public sector, and specific developments relating to Thurrock Council.

At the time of writing this report, our audit is not sufficiently progressed to enable us to present our Audit Completion Report.

Audit Sector developments

The sector has seen a number of pressures arising since the faster close agenda brought the reporting deadline forward for the 31 March 2019 period to 31 July 2019. Only 60% of local government bodies were able to publish audited accounts by this deadline. By exception, there remain a number of 2018/19 audits outstanding to date.

The 31 March 2020 publication deadline, initially pushed back to end September 2020 from July 2020, was then further extended to 30 November 2020. However, only 45% of local government bodies were able to publish audited accounts by this extended deadline, with even traditionally better performing authorities close to or at the deadline date.

Recruitment and retention of staff with suitable public sector experience has become increasingly challenging on a national level. Added to this the increased scope of audit work, increased complexity in public sector accounts and extensive regulatory requirements have continued to add to this pressure sector wide. It has been widely recognised that the audit sector, and public sector audit specifically, requires reform to enable it to remain sustainable. The Redmond review specifically focuses on recommendations to help achieve this in the longer term.

Alongside these already present pressures, a global pandemic manifested additional impacts and pressure. New challenges of remote working, onboarding and training new staff remotely, communication, IT support and illness within the team directly impacting efficiency and delivery.

The 31 March 2021 publication deadline was set at end September 2021. Audit firms and audit regulation bodies did feedback that this was not realistically achievable. Only 9% of 2021 audits were completed by 30 September 2021, with 20% by 30 November 2021 and 40% by 31 December 2021.





Audit progress

Given existing pressures in the audit industry a strategic decision was taken to not undertake interim audits for NHS or local government, to enable previously delayed audits to be completed. The purpose of the interim audit is to bring forward several audit procedures and ease the burden on the final visit. The audit in this case was performed in one visit.

We have worked with the Council's finance team to make good progress in a number of areas of the audit, this work is now subject to review processes. Due to an unexpected absence of a key member of the team we have been unable to make the progress we had expected in these reviews to be able to report a finalised position to Committee.

The 2021 audit has been challenging to deliver, with issues outlined above, in addition to the longer-term impacts of Covid-19 and remote working. There are several significant accounting estimates requiring management judgement, all of which require more detailed consideration in light of revised auditing standards and regulator focus, resulting in the need for more resource and specialist resource. Council officers have, throughout, provided good quality working papers and support to the team.

We are immensely disappointed and frustrated we are not able to present our Audit Completion Report and the outcome of the audit to the Committee as agreed. We will continue to work with officers towards the completion of this audit. I will update officers with any alternative arrangements necessary and a revised timeline as soon as I am able.

Rachel Brittain

28 February 2022

FOR MORE INFORMATION:

RACHEL BRITTAİN

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The matters raised in our report prepared in connection with the audit are those we believe should be brought to your attention. They do not purport to be a complete record of all matters arising. This report is prepared solely for the use of the Council and may not be quoted nor copied without our prior written consent. No responsibility to any third party is accepted.

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Department for Levelling Up,
Housing & Communities

Catherine Frances
Director General, Local Government,
Strategy & Analysis

**Department for Levelling Up, Housing
and Communities**

2 Marsham Street
London SW1P 4DF

To: all LA Section 151 Officers in England
Cc: all LA Chief Executives in England

26 November 2021

Dear colleagues

I am writing to you on behalf of the Department for Levelling Up, Housing and Communities (DLUHC) in its capacity as interim system leader for local audit, and in the light of recently released data showing that an unprecedented 91% of 20/21 local audits have missed the statutory deadline of 30 September.

As Section 151 officers, I know you will understand that timely completion of audits is vital in maintaining the transparency and assurance of local authority accounts. Late delivery of local assurance can have a significant impact on local authority financial planning and can also affect the timely completion of Whole Government Accounts. Late audit also fails to provide the taxpayer with the timely assurance that their local authority's financial accounts are true and fair and that the authority has been acting with propriety and has arrangements in place to secure value for money through the economic, efficient and effective use of its resources.

The causes of these delays are multifaceted, and a recovery will require every element of the system to play its part in improving the timeliness of audit. This leaves us with a collective question of how to respond.

If your authority is one of the 91%, I recognise the frustrations this must present to you as well as the pressure on staff involved in supporting an extended audit process.

The government is continuing to prioritise measures to improve timeliness and support capacity as part of our response to the Redmond Review. We laid new regulations on 21 October to provide greater flexibility to the appointing person through, for example, extending the deadline for setting fee scales so that they can reflect the most recent market conditions, and streamlining the fee variation process under certain circumstances. We are also providing £15m additional funding to local bodies to support with the implementation of recommendations following the Redmond Review

and new audit costs resulting from new requirements, including the new Value for Money reporting. We are considering funding arrangements for future years.

The solution will of course require joint work with the audit companies. We are meeting with the firms to remind them of their responsibilities and explore with them what further steps can be taken to get audits back on track.

At the same time, I would ask you to do everything you can to clear the backlog of delayed audits, while acknowledging the exceptional work pressures that you have faced recently. The National Audit Office's 2020 report *Timeliness of local auditor reporting on local government in England* found that, in some cases, 'competing workload pressures, both within the finance function and elsewhere in the local bodies, diverted staff resources from completing working papers and preparing accounts' and that 'the quality of the processes and control environment within the finance functions of local bodies also affected their preparedness for audit'. The report highlighted other factors, including availability and capacity of finance staff.

I am aware that, according to figures from the LGA, approximately 85% of councils produced a draft set of accounts in accordance with this year's deadline. I would urge all councils to ensure you meet this deadline going forward. It is vital that local authorities continue to fulfil your responsibilities, including ensuring that draft accounts are of sufficient quality when they are initially sent to auditors, in addition to responding promptly to queries from auditors and, if necessary, putting sufficient measures in place to prevent further delays to account preparation. In some cases, accounts have not been agreed for multiple years, and this needs to be addressed appropriately and urgently.

I would also stress the role of your audit committees, both in reviewing financial statements, supporting effective relationships with external audit, and the active promotion of the audit process. DLUHC recently consulted on proposals to strengthen audit committees, including the appointment of independent members, and we are working with the LGA and CIPFA to consider if further support would help. However, in the interim, I would encourage you to revisit the CIPFA position statement and guidance on audit committees: <https://www.cipfa.org/services/support-for-audit-committees>.

I would also recommend local authorities consider CIPFA's guidance on streamlining the accounts, which provides practical suggestions on how the annual statement of accounts can strike a better balance between compliance with standards and providing clearer, simpler and more transparent information: <https://www.cipfa.org/policy-and-guidance/publications/s/streamlining-the-accounts>.

I would ask that where you do not have audited accounts, you use the best available estimates in setting your budget for 2022/23.

We recognise that this is a problem that requires a system-wide response, and we are reminding all partners of their responsibilities, so that we can help to get the system back on track together. We will be setting out further details of our plans for this in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Frances', with a long horizontal flourish extending to the right.

CATHERINE FRANCES

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Department for Levelling Up,
Housing & Communities

Catherine Frances
Director General, Local Government,
Strategy & Analysis
**Department for Levelling Up, Housing
and Communities**

2 Marsham Street
London SW1P 4DF

To: all Section 151 Officers in England
Cc: all Chief Executives in England

18 January 2022

Dear colleague,

Further to my letter of 22 November 2021, which noted the government's concern at the increasing delays to the completion of local audits, I am writing to you and the relevant audit firms today to provide an update on action the government is taking to help tackle audit delays.

As I outlined in my previous letter, the timely completion of local audit is a vital transparency method for the taxpayer and for sustaining public confidence in local democracy more broadly. For the timeliness of local audit to improve from the current situation, a collaborative approach to address the issues is required from across the whole system.

That is why my Department has worked with key partners across the local audit system to agree a new package of measures to help get the timeliness of local audit back on track. I can announce that we have now published full details of these measures online to signal publicly our commitment to the local audit market: <https://www.gov.uk/guidance/measures-to-improve-local-audit-delays>

I am pleased that this document represents actions for all elements of the system, but some of the key measures committed to that may be of most interest include:

- providing councils with £45m additional funding over the course of the next Spending Review period to support with the costs of strengthening their financial reporting and increased auditing requirements;
- strengthening training and qualifications options for local auditors and audit committee members;
- reviewing whether certain accounting and audit requirements could be reduced on a temporary basis, where these are of lesser risk to councils; and
- extending the 21/22 audit deadline to 30 November 2022, and then 30 September until 2027/28.

I wanted to thank you again for the crucial role you play in ensuring the transparency and accountability of local government for local taxpayers. We hope that the measures we have announced will help support improved timeliness within the local audit market. We will continue to engage with local authorities and audit firms to understand the impact of the new measures and work together as we continue to implement the recommendations from the Redmond Review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Frances', with a long horizontal flourish extending to the right.

CATHERINE FRANCES

10 March 2022	ITEM: 10
Standards and Audit Committee	
Ethical Standards	
Wards and communities affected: N/A	Key Decision: N/A
Report of: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer	
Accountable Assistant Director: Mark Bowen, Interim Head of Legal	
Accountable Director: Sean Clark, Corporate Director of Resources and Place Delivery	
This report is public. Appendix 3 is exempt	
<p><i>Appendix 3 of the report, has been classified as being either confidential or exempt by reference to Schedule 12A of the Local Government Act 1972, information relating to an individual and in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i></p>	

Executive Summary

Following a significant number of reports and complaints concerning member conduct, details of which are set in the exempt part of this report, independent external legal advice was sought as to what action the Council could consider to further its duty to promote high standards of behaviour for elected members. In doing so the Council's current code of conduct has been considered together with certain documentation detailing some examples of Member behaviour.

It is important that the Council is equipped with the right tools within the limitations of the Localism Act 2011 to ensure that standards of Members are upheld. The content of this report incorporates the legal advice received and the associated recommendations. The committee is asked to consider the Local Government Association's (LGA) model Councillor Code of Conduct, the process for handling Member Code of Conduct complaints, the Protocol on Member/Officer relations (with potential to introduce a Member/Member Protocol) and to develop a social media policy. Any changes are recommended for adoption by Full Council.

1. Recommendation(s)

- 1.1 The committee consider the LGA model Councillor Code of Conduct as set out in Appendix 1 and consider recommending to Council that this is adopted.**
- 1.2 The committee consider asking the Monitoring Officer to develop a social media policy which should be adopted at the same time as the model code of conduct.**
- 1.3 The Monitoring Officer to review the current process for handling member code of conduct complaints and the protocol for Member/officer relations and advise on any changes which should be made.**
- 1.4 Note the contents and actions to be taken as set in the exempt Appendix 3.**

2. Introduction and Background

Model Councillor Code of Conduct:

- 2.1 Following the Localism Act 2011, the code of conduct rules for councillors and the standards process for dealing with allegations of breaches of the code of conduct changed significantly. Whereas previously there was a national code of conduct for councillors drawn up by Standards for England (formerly the Standards Board) and enforced both by the Standards for England and (later on) by each local authority. This included imposing sanctions on councillors, which could include suspending them from office.
- 2.2 Standards for England and the national code of conduct were abolished by the 2011 Act and it is now up to each local authority to adopt their own code of conduct to promote high standards of conduct which must be consistent with the Nolan principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. In addition, each local authority was required to decide on the process for handling code of conduct complaints and the sanctions to enforce their code of conduct. The ability of councils to make sanctions against members was significantly watered down; to a level where many question their effectiveness as the sanction to suspend members from office was abolished.
- 2.3 The sanctions which are available to councils at the moment are broadly to censure a Member at council; to remove certain privileges from Members; to ask Members to apologise; and to ask Members to undertake further training. The most serious sanction is for Members to be censured for their behaviour by the Council.
- 2.4 By virtue of section 27 of the Localism Act 2011 the Council is required to promote and maintain high standards of conduct by Members and co-opted

members. Within the limitations imposed by the Localism Act, the Council can and try to do what can be done to prevent behaviour, which could be:

- considered as bullying or harassment to officers, other Members and sometimes to members of the public;
- to take action to prevent Members from revealing confidential information which they have received in their role as a member; and
- generally not to participate in any behaviour which would be felt to be inadvisable or inappropriate.

- 2.5 The recommendations of the Committee for Standards in Public Life (CSPL) were published in 2019 and its report made clear that the current system, in its view, was not operating effectively and that there was a significant need to improve the standards regime and the sanctions. The CSPL's recommendations included that local authorities should be given the power to suspend councillors without allowances for up to six months for breaches of the code of conduct. Given that the Localism Act removed many of the possible sanctions against Members these can only be reintroduced through primary legislation.
- 2.6 The Government has recently announced that it is actively considering the recommendations of the CSPL and will respond shortly.
- 2.7 The Council's current code of conduct was adopted in 2013 and has the potential to be refreshed to cover issues such as the use of social media and the need to observe confidentiality in electronic communications.
- 2.8 One of the recommendations of the CSPL report was that the Local Government Association ('LGA') should create an updated code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government. The LGA has developed a code which it was felt goes probably as far as is possible within the restrictions of the current legislation. Whilst this code cannot contain any further sanctions it does extend some of the considerations of which Members should be aware and many authorities have adopted.
- 2.9 A copy of the LGA model code is attached at Appendix 1. For ease of reference the Council's current code of conduct for Members is attached as Appendix 2. The LGA model code is intended to be read in plain English and to be as clear as possible. As well as the principles highlighted in bold in the code, there is extensive supplementary guidance.
- 2.10 The adoption of the code is a council matter and so it is up to Full Council to adopt any changes in the code. Accordingly, should the committee feel that it wishes to recommend to Full Council that the model LGA, or indeed any other code is adopted, it is necessary for the committee to make such recommendations to Full Council.

- 2.11 In many ways the LGA code does not significantly extend the existing code which was adopted by the Council in 2013. However, it does make it a little clearer and extends the advice and clarity about the application of the code in more detail. It is of course possible for the Council to make any changes to the code it wishes, provided that these are within the limitations of the Localism Act. It is worth noting that there has to date been little case law on the meaning of some provisions of the Localism Act and so any code has to be considered with that caveat in mind.
- 2.12 Whilst the code of conduct itself is of core importance, it is also highly advisable that the Council considers if any other protocols or policies should be adopted by the Council to assist Members in carrying out their duties. The code of conduct should require compliance with these other provisions. The Council already has in place a separate Planning Code of Conduct, and member/officer relations protocol which sets out the way in which Members and officers should behave towards each other. However, the Council does not have in place a social media policy which sets out guidance and guidelines about the way in which Members use social media. In this way a breach of the social media policy would also automatically be considered as a potential breach of the code of conduct

Social Media Policy:

- 2.13 Social media and managing it effectively as an elected member can be challenging. Increasingly complaints received about Members originate or have some basis in social media comments and activities. Many Members will have a single social media account on which they post both councillor and private business. If they were then to be accused of putting something on a private platform not connected with the Council this could potentially be taken into account as part of a code of conduct complaint and a finding could be made of a breach.
- 2.14 However, case law provides that members of local authorities have enhanced protection in relation to freedom of speech under Article 10 (1) of the European Convention of Human Rights, which was brought into British legislation through the Human Rights Act 1998. Article 10 provides an extensive freedom for Members to hold and express opinions and in summary protects the right for them to criticise, speculate and make value judgements, provided that there is some reasonable factual basis for their opinion. Whilst the courts are likely to take a wide view of political expression this does not mean that there is no situation where Members cannot be found in breach. There is case law which makes it clear that a breach of the Members Code of Conduct can be found where comments are not considered to be political expression but are simply expressions of personal anger and abuse. The adoption by the Council of a social media policy and a requirement for compliance is intended to assist Members in their use of social media.

Councillor Complaints Process:

- 2.15 If the council wishes to consider making changes to their code, or adopting the LGA Code, it is also an opportunity to consider whether this should also include a review of the current arrangements for dealing with a complaint and the procedure for making complaints. Changes to these would, like any change to the Code, need to be approved by Full Council on recommendation from the committee.
- 2.16 Accordingly it is recommended that the committee consider the model councillor code of conduct and consider recommending to Full Council that this is adopted; and that the committee also consider asking officers to develop a social media policy which should be adopted at the same time as the model code of conduct. Officers should also be asked to review the current process for handling member code of conduct complaints and the member/officer relations protocol identifying any changes which should be made. The Committee are also asked for their views on whether a protocol should be introduced to handle Member/Member complaints. If changes are made it is highly advisable to ensure that training is made available for members at an early date.

3. Issues, Options and Analysis of Options

- 3.1 The Committee could decide to not to agree the recommendations set in the report. However, this is not recommended as it is important that the Council acts in accordance with best practice when it comes to ethical governance.
- 3.2 The recommendations provide clarity to the Council's ethical governance processes and are clearly understood by members, officers and the public, and thereby promote high standards of conduct and greater confidence in the Council.

4. Reasons for Recommendation

- 4.1 To ensure that the Council's current ethical framework, within the limitations of the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public and is strengthened. The recommendations would enhance the fairness and transparency of the standards process and protect the integrity of decision-making, whilst maintaining public confidence.

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

- 5.1 The Standards and Audit Committee are the appropriate consultees for ethical standards, although the changes will be raised for noting at the forthcoming Constitution Working Group.

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

6.1 The Council's Constitution supports the governance of the Council and its decision-making, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Senior Management Accountant – Resources and Place Delivery

There are no direct financial implications expected from this proposed policy change.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer & Deputy Monitoring Officer

Section 27 of the Localism Act 2011, requires the Council to promote and maintain high standards of conduct by members and co-opted members and to adopt a code dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.

Section 28 of the Localism Act 2011 requires the Council's code of conduct to be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Council may revise its existing code of conduct under section 28(5) of the Localism Act 2011.

The Council's Code of Conduct, Arrangements for handling complaints, and the Protocol for Member/Officer Relations form part of the Constitution. Only Full Council may make changes to the Constitution by virtue of Chapter 2, Part Three – Responsibility for Council functions paragraphs 1.5 and 1.9. In addition, by virtue of paragraph 1.5 approval of a Social Media Protocol to form part of the Constitution would also require Full Council approval.

As the Government has indicated that they are now actively considering the recommendations set out in the CSPL report on Local Government Ethical Standards which included that associated legislative changes be made to the ethical standards regime. An update report to the committee will include details of any proposed changes together with the further details of the proposed changes to the Council's ethical governance arrangements recommended in this report, if agreed.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Team Manager, Community Development

The local and national codes for ethical standards referred to in the body of the report take into consideration equality and diversity requirements as set out in legislation and the Council's policies. A Community Equality Impact Assessment will be completed for any new or revised policy/ies.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

Not applicable.

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):

- Committee on Standards on Public Life report on Local Government Ethical Standards
- LGA model Code of Conduct and supplementary guidance

9. **Appendices to the report**

- Appendix 1 LGA model Code of Conduct and supplementary guidance
- Appendix 2 Thurrock Council Members' Code of Conduct adopted 2013
- Appendix 3 Exempt – Member Behaviour

Report Author:

Gina Clarke
Corporate Governance Lawyer
Law and Governance

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Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Part 3 – Members' Code of Conduct

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Thurrock Borough Council, including:

- 1.1. at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- 1.2. when acting as a representative of the authority
- 1.3. in taking any decision as a Cabinet member or a Ward Councillor
- 1.4. in discharging your functions as a ward Councillor
- 1.5. at briefing meetings with officers and
- 1.6. at site visits
- 1.7. when corresponding with the authority other than in a private capacity

2. General Conduct

I understand that when I sign up to this Code I must comply with the following standards of conduct / behaviour,

- 2.1. To act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for myself, my family, friend or close associates.
- 2.2. Not to place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
- 2.3. To make all decisions on merit when carrying out public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits.
- 2.4. To be accountable for my decisions to the public and to co-operate fully with whatever scrutiny is appropriate to my office.
- 2.5. To be as open as possible about my decisions and actions and the decisions and actions of my authority and to be prepared to give reasons for those decisions and actions.
- 2.6. To register and declare any pecuniary and non-pecuniary interests, as set out in this Code.
- 2.7. When using or authorising the use by others of the resources of this authority, to ensure that such resources are not used improperly for political purposes (including party political purposes) and to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.8. To behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures,

including on the use of the authority's resources and dealing with confidential information appropriately.

- 2.9. To value and respect colleagues, staff, partners and public, engaging with them in an appropriate manner that underpins the mutual respect between us that is essential to good local government and not to act in a manner that could be deemed as bullying, harassment or intimidation.
- 2.10. To promote and support high standards of conduct by leadership and by example

3. Disclosable Pecuniary Interests (see Appendix)

You must:

- 3.1. comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2. ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3. make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4. "Meeting" means any meeting organised by or on behalf of the authority, including:
 - 3.4.1. any meeting of the Council, or a Committee or Sub-Committee of Council
 - 3.4.2. any meeting of the Cabinet and any Committee of the Cabinet
 - 3.4.3. in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 3.4.4. at any briefing by officers
 - 3.4.5. at any site visit to do with business of the authority

4. Other Interests

- 4.1. In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2. You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where:
 - 4.2.1. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater

extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

- 4.2.2. it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

5. Gifts and Hospitality

- 5.1. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.
- 5.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

6. Sensitive Interests

- 6.1. Where a Member has any type of interest and the nature of the interest is such that the Member and the Monitoring Officer both consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subjected to violence or intimidation:
- 6.2. The Register will not include details of the interest but may state that the Member has an interest about which details have been withheld and
- 6.3. Where required by this Code to declare the interest in a meeting, the Member may only declare the fact that s/he has an interest in the matter (s.32).

7. Dispensations from the Restriction from Participating and Voting in Meetings

- 7.1. A member may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer (s.33).
- 7.2. The Monitoring Officer (or in his / her absence the Deputy Monitoring Officer) may agree the dispensation on behalf of the authority, where s/he considers, after having had regard to all relevant circumstances, the authority:
 - 7.2.1. that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

- 7.2.2. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - 7.2.3. that granting the dispensation is in the interests of persons living in the authority's area,
 - 7.2.4. if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - 7.2.5. that it is otherwise appropriate to grant a dispensation
- 7.3. The Monitoring Officer will grant the dispensation in writing citing the ground or grounds on which it is agreed and will be published on the Council's website within 7 days of the decision.
 - 7.4. The dispensation must be for a fixed time period not exceeding 4 years and will normally cover only a specific matter or meeting.
 - 7.5. A Member may seek a review of the Monitoring Officer's decision to the Standards and Audit Committee. The Monitoring Officer may choose to refer any application for a dispensation to the Standards and Audit Committee.

Appendix – Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and it is either the interest of the Member; or is the interest of their spouse or civil partner; a person with whom the Member lives with husband or wife; or a person with whom the Member lives with as if they were a civil partner and the Member is aware that the other person in has the interest as follows.

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest</p>

Interest	Prescribed description
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

For this purpose:

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3) (b) of the Act;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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 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 job subs; or
- if you are a Cabinet member making decisions other than in Cabinet, **what matter is before you for single member decision?**



Is the business to be transacted at the meeting:

- **related 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
- 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 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 reasonable 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 the sensitive) disclose the existence and the 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 of the meeting
- not participate in any vote or further vote taken at the meeting
- 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.

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**Standards & Audit Committee
Work Programme
2021/22**

Dates of Meetings: 8 July 2021, 9 September 2021, 25 November 2021 and 10 March 2022

Topic	Lead Officer
8 July 2021	
Regulation of Investigatory Powers Act (RIPA) 2000 - 2020/21 Activity Report	Lee Henley
Chief Internal Auditor's Annual Report – Year ended 31 March 2021	Gary Clifford
Counter Fraud & Investigation Annual Report & Strategy	David Kleinberg
Annual Information Governance Report	Lee Henley
Red Reports (as required)	
9 September 2021	
Annual Complaints & Enquiries Report 2020/21	Lee Henley
Counter Fraud & Investigation Performance Report Q1	David Kleinberg
Internal Audit Charter 2021	Gary Clifford

Refresh of the Strategic/Corporate Risk and Opportunity Register	Andy Owen
Investment Briefing	Sean Clark
A13 Widening Project	Sean Clark / Colin Black
Stanford Le Hope Transport Projects	Sean Clark / Colin Black
Red Reports (as required)	
25 November 2021	
Regulation of Investigatory Powers Act (RIPA) - Activity Report 2021/22 (April to September)	Lee Henley
Internal Audit Progress Report 2021/22	Gary Clifford
Counter Fraud & Investigation Performance Report Q2	David Kleinberg
Red Reports (as required)	
10 March 2022	
Mid-Year Complaints & Enquiries Report - April 2021 - September 2021	Lee Henley
Internal Audit Progress Report 2021/22	Gary Clifford
Counter Fraud & Investigation Quarterly Update (Q3)	David Kleinberg
Internal Audit Strategy 2020/21 to 2022/23 and Annual Internal Audit Plan 2022/23	Gary Clifford

Audit Progress Report for the Year Ended 31 March 2021	Jonathan Wilson
Ethical Standards	Matthew Boulter

Reports for 2022/23:

Audit Completion Report - BDO / Sean Clark / Jonathan Wilson

Financial Statements and Annual Governance Statement 2020/21 - BDO / Sean Clark / Jonathan Wilson

Thurrock Annual Audit Letter 2020/21 – Jonathan Wilson

External Audit Plan 2021/22 – Jonathan Wilson

Annual Review of Risk and Opportunity Management and the Policy, Strategy and Framework – Andy Owen

In Quarter 4 Review of the Strategic/Corporate Risk & Opportunity Register – Andy Owen

Clerk: Jenny Shade

Last Updated: March 2022

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