

# Public Document Pack

## CORPORATE GOVERNANCE COMMITTEE

Wednesday, 26 October 2011

Present:

Councillor S Foulkes (Chair)

Councillors	P Davies	AR McLachlan
	AER Jones	JE Green
	A McArdle	T Harney

### 1 MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

### 2 TERMS OF REFERENCE

The Committee noted that its initial Terms of Reference as recommended by AKA in the Corporate Governance Report, were as follows:

“Assessing and reporting on the Council’s current performance against seven Corporate Governance questions:

- (1) How well are the authority’s policies implemented in practice?
- (2) How well are the authority values and ethical standards met?
- (3) How well are laws and regulations complied with?
- (4) How well are required processes adhered to?
- (5) Are financial statements and other published information accurate and reliable?
- (6) Are human, financial and other resources managed efficiently and effectively?
- (7) Are high-quality services delivered efficiently and effectively?

Identifying and agreeing recommendations that will address existing shortfalls and/or deliver improvements required by Sector Self Regulation and Improvement and existing CIPFA guidance setting out what good governance looks like.

Agreeing, initiating and overseeing the individual work streams and coordinating the collective work programme required to deliver the Wirral MBC “Taking the Lead” initiative.

Agreeing and monitoring “delivery trajectories” for each work stream.

Making regular progress and performance reports to the Cabinet and Scrutiny functions.

Where necessary, seeking approval to make changes that impact positively on Corporate Governance and, if required, making recommendations to the appropriate governance body authorised to make such changes.

Reporting to the full Cabinet and/or full Council with feedback reports and/or recommendations as appropriate.”

**RESOLVED:**

**That the Committee’s Terms of Reference as detailed above be noted.**

**3 PERFORMANCE MANAGEMENT**

A report by the Director of Law, HR and Asset Management served to assist Members in their considerations of the proposed performance appraisal and development framework. This included the performance appraisal and development of the Chief Executive.

The Council’s current Key Issues Exchange (KIE) process had been in place since 2001. Whilst it had delivered well in the past, recent return rates had indicated that a refreshed and updated approach was needed. The Chief Executive informed the Committee that on his appointment he had wanted to improve how staff performance was measured and so, before the Corporate Governance Report had been published had commissioned work in this area which had resulted in the proposals in the report for staff performance and development. The proposed performance appraisal framework replaced KIE at the senior level. The Chief Executive sought the Committee’s guidance on how to move forward with this initiative in the light of the Council’s primary aim which was to improve corporate governance.

The Committee was informed that the Performance Improvement Framework illustrated how the Council’s vision and purpose, detailed in its Corporate Plan, was delivered through the Corporate Planning process and the Council’s Performance Information Management System (PIMS).

The delivery of the Council’s vision and purpose was supported by the Council’s expectations of its workforce in relation to Leadership and Management and Wirral’s Values and Behaviours. Individual objectives had been agreed to deliver the Council’s objectives, Corporate Plan and Departmental Plan, meeting Leadership and Management expectations underpinned by the values and behaviours. The proposed performance appraisal and development process included a personal development plan and 360 degree feedback for senior managers. Interventions to improve performance could be accessed through the Council’s Training Programmes, Skills for Wirral: Managers and Skills for Wirral: Employees programmes.

The Committee noted that the outputs were the improved delivery of the Council’s corporate and departmental objectives, as well as individual employee’s objectives. The outcome, therefore, was that the Council’s vision and purpose were delivered for the residents of Wirral. The Performance Improvement Framework was attached to the report at Appendix One.

The Committee also noted that the Leadership and Management Expectations Framework set out the expectations for all managers. The Expectations Framework articulated what was expected of managers in their role and would be used in setting objectives and in assessing performance. It would form the basis of the Skills for a Wirral: Managers’ Training Programme, with modules for each of the key areas. The

proposed Leadership and Management Expectations Framework was attached to the report at Appendix Two.

The report informed Members that the Council's current KIE process had identified corporate and leadership behaviours, which had been in place since 2001. A new set of values and behaviours had been developed using feedback from Senior Managers and focus groups of staff, including Trade Unions.

The report proposed that new corporate values and behaviours be established as part of the performance management framework. The purpose of values and behaviours was to define, not just what the Council wanted to do, but how it would do it. This was an important part of developing the culture of the Organisation. The proposed values and behaviours used the acronym 'PERFORM', and were based on the key messages from the Council's Corporate Plan, input from Senior Manager's briefings that were held in May 2011 and the Heads of Service Away Day and Employee Focus Groups held in June 2011. The PERFORM values and behaviours were attached to the report at Appendix Three.

The Committee considered the proposals for staff performance appraisal and development in detail, including the Performance Improvement Framework, the Management Expectations Framework, supporting documentation and a roll out plan in detail and agreed that the Director had set out a good starting point, both in terms of appraisal and approach. It was proposed that some training could commence, but in the knowledge that its content may change, in terms of what managers may be expected to do in the future, key priorities etc. The Head of HR and Organisational Development could begin to plan some training now so that the core skills were imparted as part of the process of progressing the management framework. This would facilitate what the Committee may want to do in the future, as the building blocks would be in place. Improvements and adjustments would be made later as the Committee continued with its work. Members agreed that this approach would not undermine progress but would be seen as a precursor to what was to come. Therefore, proposals on how to take this work forward would be presented to the Committee in report form as soon as possible for its endorsement.

The Committee noted that initially performance appraisal would be paper based but that it was the intention for it to become electronic at some stage in the future, using a module of the new Selfserve system

**RESOLVED : That**

- (1) the content of the report be noted and performance management be considered holistically, along side the Council's wider performance issues and concerns and in the context of the Committee's work programme as a whole; and**
- (2) the Director of Law, HR and Asset Management be requested to present a report to the next meeting informing of the preparatory work being undertaken, in the light of the discussions at this meeting, and setting out detailed proposals on how to move initial performance management and development training forward for the Committee's consideration.**

## 4 CORPORATE GOVERNANCE

A report by the Chief Executive set out the reasons for establishing the Committee i.e. to drive forward changes in the way the Council operates, its Terms of Reference and a proposed agenda for its inaugural meeting.

Members were aware that AKA had been engaged by the former Leader of the Council. Their remit had been to undertake an independent review of the Council's response to claims made by Mr Martin Morton. AKA had produced a Supplemental Report entitled 'Wirral Metropolitan Borough Council's Corporate Governance Arrangements: Refresh and Renew' (The Corporate Governance Report) which summarised organisational weaknesses which the Council had failed to address.

The Cabinet had considered this report at its meeting on 22 September 2011 and resolved to accept the criticisms unreservedly and the recommendations designed to help the Council move forward. It had also resolved to establish this, time limited, Cabinet Committee tasked with driving forward the changes which needed to be made in the way the Council was managed and in respect of its organisational culture. It was anticipated that the work of this Committee would be concluded by 31 March 2012. The Cabinet had also noted that the Leader of the Council was keen for all three parties to work together to help resolve the issues that had been raised.

Members noted that the Corporate Governance Report had proposed a number of work streams to address the issues:

- (1) A Councillor Working Group supported by Officers
- (2) Taking the Lead Delivery Team
- (3) Review and Improve Corporate Governance Development and Training across the Council
- (4) System Stress Tests across the Council
- (5) Corporate Governance Amnesty

The Cabinet had also asked this Committee to:

- (a) consider an initial report (from the Deputy Chief Executive/Director of Finance) on ways to strengthen the Council's Internal Audit Team.
- (b) consider an initial report (from the Director of Law, HR and Asset Management) on ways to strengthen Legal and Member Services.

The Cabinet had additionally referred proposals in respect of Performance Management to this Committee as follows:

"In the light of the recent receipt of the independent report on Corporate Governance, Cabinet believes this report [Performance Management] should first be referred to the newly set up Cabinet Committee [The Corporate Governance Committee] in order to ensure that it meets all the necessary requirements to help the Council tackle the major problems ahead. "

Members were also informed that at its meeting on 29 September 2011, the Employment and Appointments Committee had agreed that this Committee should consider the creation of a dedicated Policy Unit working directly to the Chief Executive, and the creation of a new post of Head of Policy Unit.

Members noted that failure to respond appropriately to this report would mean that the Council and its residents remained at risk of:

- (a) service failure
- (b) external inspection under the Local Government Act 1999
- (c) failure to respond appropriately to the self improvement regime anticipated from April 2012

Members noted, in particular, that there were ten areas of Corporate Governance that had been identified in the Governance Report as follows:

<b>Area of Corporate Governance</b>	<b>AKA Assessment (X= issues to be addressed)</b>
Financial Issues	X
Member Capacity	X
Officer Structures	X
Service Quality	X
Corporate Planning	X
Partnership Working	
Procurement	X
Community Engagement	
Risk Management	X
Equalities	X

The Chief Executive's report suggested that Members may also wish to review specific service areas to ensure best practice from a governance perspective. The Governance Report had clearly identified Internal Audit and Committee Services as areas, which if strengthened, would enhance corporate governance.

It was apparent to Members that the Committee had a lot of work to do in a limited period of time and that it needed a whole-systems approach towards it. The report set out a proposed comprehensive work plan of activities, and detailed how it could be supported internally to prioritise and go about its work. It was noted that this may be supplemented with some external support and some back filling

**RESOLVED:**

**That the Committee:**

- (1) notes the Terms of Reference for the time-limited Committee (to 31 March 2012);**
- (2) notes its Membership;**
- (3) agrees to a schedule of meetings which ties in to the existing three-weekly Cabinet cycle to 31 March 2012 when it is anticipated that its role in relation to Corporate Governance will come to an end;**
- (4) agrees the proposed whole-systems approach, including the establishment of a turnaround team together with the proposed comprehensive programme of activities;**

- (5) notes that proposals for the review of Internal Audit are presented elsewhere on the Agenda as part of the comprehensive programme;
- (6) notes that proposals for the review of Legal and Committee Service Team are presented elsewhere on the Agenda as part of the comprehensive programme;
- (7) notes that proposals for the review of Performance Management are presented elsewhere on the Agenda as part of the comprehensive programme;
- (8) notes that proposals for the establishment of a dedicated Policy Unit are presented elsewhere on the Agenda as part of the comprehensive programme; and
- (9) agrees a review of all reports submitted by the Officers to any Committee of the Council within the last 3 months, from a Corporate Governance perspective, by the turnaround team to identify opportunities for improvement, this will be included as part of the comprehensive programme.

## **5 CORPORATE GOVERNANCE: COMPREHENSIVE WORK PROGRAMME**

A report by the Chief Executive identified a comprehensive programme of activities for the Committee's consideration, to address the weaknesses identified in the recent Corporate Governance Report. The programme identified key areas, key lines of enquiry to be pursued, interdependencies within the programme (whole systems approach) and therefore the necessary skill sets needed in a turnaround team to undertake this work.

The Committee was informed that whilst the Corporate Governance Report demanded significant progress by April 2012, the approach of self-assessment and external validation (peer review) to manage and monitor improvements should be embedded in the organisational culture and managed corporately across all services of the Council beyond that timescale, as part of a wider programme.

Members gave consideration to the additional resources that would have to be made available to support the Corporate Governance work programme and considered the possibility of the creation of a specific budget to support its delivery.

### **RESOLVED: That**

- (1) the work programme to achieve improvements in corporate governance be approved;
- (2) a detailed timeline identifying future meetings, key activities and milestones be developed to reflect decisions made at this Committee meeting;
- (3) the Chief Executive be requested to report to each meeting of the Committee on progress made against the programme and the timeline in delivering improvements in corporate governance;

- (4) as part of the work programme specific Member involvement be Identified, at every stage;**
- (5) in terms of specific budgetary provision, the Committee agrees, in principle, to providing support to deliver the work programme and requests that the Chief Executive reports to a future Committee meeting detailing how this can be achieved; and**
- (6) the Chief Executive be authorised, in consultation with the Leader, to establish a turnaround team of officers to work on strengthening the Council's corporate governance .**

## **6 REVIEW OF INTERNAL AUDIT**

A report by the Deputy Chief Executive/Director of Finance outlined areas of work which the Council's Internal Audit Service could include in its Annual Plan to further strengthen corporate governance. The report also informed of the work of Internal Audit Service, and in the light of the Corporate Governance Report, set out proposals for strengthening the Council's existing arrangements for Internal Audit in respect of capability and capacity.

An initial analysis had been carried out and as a consequence Members noted the following specific topics that had been identified that the Internal Audit Service could include in its Annual Plan to strengthen further, the corporate governance of the Council:

- Corporate Performance – systems, interpretation and use of data.
- Governance – on-going role to ensure compliance with systems and that systems and policies are appropriate.
- Risk Management – ensuring culture is embedded in the Council, and particularly that risks and emerging risks are clearly identified.
- Counter Fraud – an increasing area of risk
- Identification, dissemination and reporting of good practice across the Council.
- Corporate Planning - links from corporate to service planning
- Effectiveness and appropriateness of strategies.

The Committee noted that the service provided by Internal Audit was constantly evolving to support the Council's Management and Leadership. The aim now was to ensure that the Service was fit for purpose, both in terms of planned work and skills ability. It was imperative that the Council's Management responded appropriately and, as part of that process, Members were informed that advice should be sought on how best to align the professional competency framework with the proposed corporate performance management mechanisms.

### **RESOLVED: That**

- (1) the additional areas of work that Internal Audit could conduct to strengthen further corporate governance be noted and the Deputy Chief Executive/Director of Finance be requested to obtain external**

**perspectives of the workload, organisation and structure of Internal Audit to identify possible improvements;**

**(2) the Committee agrees that the objective of this work is:**

- **to provide a fit for purpose Internal Audit Service – both in terms of planned work and skills availability to which management responds;**
- **thereby strengthening the corporate governance of the Council; and**
- **consequently, enhancing service delivery;**

**and**

**(3) the Deputy Chief Executive/Director of Finance be requested to present a further report on proposals flowing from this work to the Committee's meeting scheduled for 7 December 2011.**

## **7 REVIEW OF LEGAL AND COMMITTEE SERVICES**

A report by the Director of Law, HR and Asset Management provided an initial review of the capability and capacity of the Council's Legal and Committee Services teams and requested the Committee to provide a steer on how to progress the review by determining an appropriate way forward. The review picked up one of the specific lines of enquiry identified by AKA in the Corporate Governance Report and was part of Work Stream 4: "Undertake a Series of 'System Stress Tests' Across the Council". The report set out the current position and the challenges which faced the teams. The Director also informed that he would be presenting a further report to the Committee at a future meeting setting out options to address these challenges.

The Director reported that new and evolving areas of law had become increasingly relevant to the work of a local authority and listed examples. In addition, other legislative changes had affected specific service areas and had added to the demand for support from Legal Services. These additional demands had accumulated over the years and the existing lawyers had responded and taken on new areas of responsibility. This had placed increasing demands upon these individuals in question (and often resulted in a long hours culture); and meant that new and complex areas of legislation were being dealt with by lawyers who specialised in other areas of law. This was a risk to the authority. The result, not surprisingly, was that the most common complaint about the legal service was that of delay because of the sheer volume of work.

Consequently, Legal Services had become almost exclusively reactive rather than proactive. This too was a risk to the authority. Investment was required to establish a fit for purpose Legal Service, as additional lawyers were needed, with relevant specialist knowledge of local authority law.

To address the issues the Director had identified and mitigate risks he made two recommendations: That

- (1) the proposed bringing together of the Planning and Environment and Property functions should proceed.

- (2) a new Corporate Governance team be created within Legal Services. This team would focus on the following areas of work:
- Procurement and Commissioning (including contract disputes and, where appropriate, termination)
  - Freedom of Information; Environmental Information Regulations; and Data Protection
  - Equalities and Human Rights
  - Whistleblowing and Complaints
  - Standards and Ethical Governance
  - Supporting the democratic process (providing legal advice on Committee/Cabinet reports)

The report also set out the tasks that the Committee Services team currently performed and identified the following factors that meant that it was being put under increasing pressure:

- Since 2008 Committee Services has been reduced by five F/T posts: 2 PO4, 1 Band H and 2 Band G posts.
- Increase in the number of scrutiny call-ins which mean convening Special meetings of Overview and Scrutiny Committees.
- At least 1 agenda and 1 Supplement are prepared by Committee Services for every Council meeting.
- The Cabinet meets every 3 weeks and Committee Services prepares at least 2 agendas each time (1 for the briefing and 1 for the meeting itself).
- An increase in the number of Ombudsman enquiries in respect of School Appeals which are very time consuming.
- The number of committee reports submitted late, (after the agenda for the meeting has been published) has increased so consequently, there has been an increase in the number of supplementary agendas produced.
- Progress chasing on actions to be taken by officers agreed at meetings.
- Administering and Updating the Executive Team's Forward Plan of Cabinet Reports.

The Committee was informed that whilst recruitment to the two vacant posts would help alleviate some pressures, it would not adequately address all issues or allow for emerging future demands on the service. Additional demands would be placed on Committee Services as a result of the following:

- Administration of the All Party Working Group to be established to propose the most appropriate form of the Council including the possible return to the committee system, once the Localism Bill is enacted.
- New Cabinet Committees –
  - Safeguarding Reference Group (meets 4 times a year)
  - Corporate Governance Committee (expected to meet every 3 weeks).
- The Members' Remuneration Panel is due to meet in 2012 to review the Scheme of Members' Allowances. The possible return to the committee system has implications in respect of this.

The Director also reported on an area emerging from the Corporate Governance Report the need to improve the quality of reports and ensure decisions were implemented and the work that this involved.

The report set out some opportunities for addressing the pressures faced by Committee Services as follows:

- The Modern.gov system could be more fully exploited by
  - introducing a new report template to allow information to be pulled through into Minutes, so saving some time.
  - Preparation of all committee reports within the Modern.gov system, using the internet, rather than importing word documents as we do now. Reports prepared in this way can automatically be circulated for comments and clearance. This will also mean that they can not be submitted late, as they will automatically go forward to the next scheduled meeting. This proposal has cost implications as Modern.gov will need to be commissioned to provide support and training before this initiative can be rolled out to Personal Assistants and Report Authors across the Council.
  - Follow up actions to be taken following meetings using the Modern.gov system. This facility needs to be made more customer friendly. It would assist if an officer (Champion) is nominated from within each Department or Service to be responsible for progress chasing and ensuring actions are taken.
- The School Administration System is out dated and no longer fit for purpose. It is not compatible with the system used in the Schools Section which means officers from both sections have to input the same data into two different systems. There is a cost associated with addressing this.
- Make more use of the web library and so reduce the size of agendas.
- Move to electronic Agendas and Reports which would require investment in IT but deliver savings (and Carbon Budget benefits) in the longer term.

The Committee considered the report in detail. It was aware that the, soon to be held, Members' Seminar on the Corporate Governance Report may also identify action to be taken to assist Legal and Committee Services. Members requested the Director to separate the information contained in his report into two parts as a basis for a further report to the Committee. The information supplied could then:

- form a bid against the Committee's budget for the resources he requires in respect of Work Stream 4; and
- form a bid against the Council's 2012/13 budget for resources to assist a wider departmental restructuring.

In the meantime, the Deputy Chief Executive/Director of Finance was requested to investigate what options there were available to the Council to address the challenges the Director of Law, HR and Asset Management had identified and report back to the Committee with his findings and options

**RESOLVED: That**

- (1) the Director of Law, HR and Asset Management be requested to bring a further report to the next meeting of the Committee detailing his future requirements as set out above; and**
- (2) the Deputy Chief Executive/Director of Finance be requested to consider the options available for addressing the challenges facing Legal and Committee Services, including identifying any best practice of other local authorities who have gone through similar processes and report back to the Committee.**

**8 POLICY UNIT**

A report by the Chief Executive considered the principle of establishing a dedicated Policy Unit, working directly to himself and the establishment of a new post of Head of Policy Unit. These proposals were put forward in response to the findings set out in the Corporate Governance Report and to strengthen the Council's existing arrangements for the development and co-ordination of policy.

The Committee was informed that the Cabinet, at its meeting on 22 September 2011, had considered a report by AKA into the Council's Corporate Governance arrangements and Employment and Appointments Committee, at its meeting on 29 September 2011, had agreed that this Committee should be asked to consider the principle of the establishment of a dedicated Policy Unit working directly to the Chief Executive

In the light of the AKA Report, Members were aware that it was essential that the Council's capacity to develop and co-ordinate policy was improved. The development, co-ordination and implementation of policy were a critical function of any local authority. The policy function sat at the heart of setting the authority's future direction and must ensure that the Council was aware of, and was responding to, changing circumstances whether, as a result of new legislation, social or economic changes or whatever other reason. It was also critical that the Council ensured that when it agreed to introduce new policies, that they were appropriately implemented and that their impact was monitored and evaluated.

The Chief Executive reported that it had been suggested that the primary responsibilities of the new Policy Unit would be to ensure that the Council was aware of and responds to changing circumstances. The Policy Unit would also be responsible for the development and co-ordination of policy work across the Council. A major element of this work would be the ongoing development of the Council's Corporate Plan which was the Authority's foremost policy document. The Policy Unit would also take the lead on a number of other major policy initiatives including the Council's Child Poverty Strategy.

Members were told that current thinking was that in the first instance the Policy Unit should be established by the incorporation of existing officers currently working directly to the Chief Executive on policy issues but that other officers, elsewhere in the Authority, be seconded to the Unit. It would also be appropriate for the Policy Unit to be part of the rotation for the Authority's Graduate Trainees. It was also proposed that the Unit be headed by a new post designated Head of Policy Unit.

The Committee discussed the report in detail and noted that currently, the Council had an inability to “horizon scan” and a Policy Unit would be able to address this problem by picking up on new challenges, key issues, new Government legislation, Green Papers, White Papers etc. and planning for them.

**RESOLVED: That**

- (1) the Chief Executive be authorised to establish a Policy Unit through, in the first instance, secondment of existing staff;**
- (2) the Chief Executive be authorised to appoint a Head of Policy Unit;**
- (3) further discussions take place on the precise role of the Policy Unit and the ability to take into account perspectives from Departments across the Council; and**
- (4) a further detailed report be presented to the Committee considering the role of the Policy Unit in enhancing corporate governance and how it can help all Council Departments with future planning.**

**9 DATES OF FUTURE MEETINGS**

The Committee noted a list of proposed dates and times for its future meetings up to and including 11 April 2012. Immediately before this meeting Committee Members and Officers had attended an all party briefing. Members were happy to continue to have all part briefings but not on the same day as its meetings.

It was proposed that once the dates for meetings and briefings were finalised it would be appropriate to map the milestones against the dates so everyone was clear about expectations and what should be the subject of report at each Committee meeting.

**RESOLVED: That**

- (1) the proposed dates and times of future Committee meetings be noted; and**
- (2) the Committee’s work plan be mapped out against its meeting dates as referred to above.**

[Following the meeting the Committee’s meeting and briefing dates and times were amended slightly and then finalised. They are included at Appendix A to these Minutes.]

## APPENDIX A

### Corporate Governance Committee – Meeting Schedule (3 Weekly Cycle)

<b>Meeting</b>		<b>Briefing</b>	
<b>Date</b>	<b>Time</b>	<b>Date</b>	<b>Time</b>
16 November 2011	5:00pm	10 November 2011	5:30pm
7 December 2011	5:30pm	29 November 2011	5:00pm
28 December 2011	<b>NO MEETING</b>		
18 January 2012	5:00pm	9 January 2012	6:00pm
8 February 2012	5:00pm	1 February 2012	6:00pm
29 February 2012	5:00pm	23 February 2012	5:00pm
21 March 2012	5:00pm	14 March 2012	6:00pm
11 April 2012	5:30pm	4 April 2012	5:00pm

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