

CHESHIRE EAST COUNCIL

REPORT TO: Audit and Governance Committee

Date of meeting: 10 December 2015
Report of: Corporate Assurance Group
Title: Annual Governance Statement (AGS) Update
Portfolio Holder: Councillor Peter Groves

1.0 Report Summary

- 1.1 The purpose of this report is to provide assurance that the Annual Governance Statement (AGS) is underpinned by an appropriate framework of assurance and to allow the Committee to monitor the implementation of actions to improve governance arrangements and respond to emerging issues.
- 1.2 The report also informs the Committee of a number of ongoing developments in governance and audit arrangements.

2.0 Recommendation

- 2.1 That the Committee:
- (i) note the progress against the issues reported in the 2014/15 AGS, including the feedback from Corporate Assurance Group on each item;
 - (ii) consider and endorse the process for the production of the 2015/16 AGS;
 - (iii) and note the changes to governance, risk management and audit arrangements.

3.0 Reasons for Recommendation

- 3.1 Legislation requires local authorities to prepare an Annual Governance Statement and to report publicly on the effectiveness of governance and control. The Audit and Governance Committee is responsible for reviewing and then approving the AGS prior to being signed by the Leader of the Council and the Chief Executive.
- 3.2 The process of preparing the governance statement should in itself add value to the effectiveness of the Council's corporate governance and

internal control framework. Good governance enables the Council to better meet the challenges of pursuing its vision, delivering ambitious objectives against a background of continued financial pressures, by underpinning that vision with mechanisms for control and management of risk.

- 3.3 In accordance with best practice the Audit and Governance Committee should undertake a number of activities to discharge its responsibilities in relation to the AGS including:
- ensuring that the AGS is underpinned by a framework of assurance
 - monitoring the implementation of action plans or recommendations to improve governance arrangements
 - receiving reports and assurances over changes to the governance framework and control environment as they are established

4.0 Wards Affected

- 4.1 All wards.

5.0 Local Wards Affected

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 Not applicable.

7.0 Financial Implications (Authorised by the Chief Operating Officer)

- 7.1 In reviewing assurance arrangements, the Committee should bear in mind that the assurance process has a cost to the Authority and it should therefore be proportional to the risk.

- 7.2 The production of the AGS is designed to align with the production of the Council's Financial Statements (draft by end of June) and will be published alongside the audited accounts (approved by the end of September).

8.0 Legal Implications (Authorised by the Head of Legal Services)

- 8.1 The production of the AGS is required by the Accounts and Audit Regulations 2015 and the process outlined is designed to meet this obligation.

- 8.2 Under the new Regulations, the existing certification dates will be brought forward by the accounting year 2017/18. This will change the June 30 date to May 31, and the September 30 to July 31. Consultation on the future of Local Audit began in June 2014, giving three years notice to allow

authorities and auditing firms time to adjust. The production of the 2015/16 AGS will be carried out to existing timescales.

9.0 Risk Assessment

- 9.1 An assurance framework that does not support the production, approval and on-going review of the AGS and associated management actions can result in problems with the integrity of the Council's Statement and lead to missed opportunities to strengthen the control environment and the management of risk.

10.0 Background

Progress against items reported in the AGS 2014/15

- 10.1 The 2014/15 AGS reported to the Audit and Governance Committee in September 2015 included governance issues and proposed actions to be implemented.
- 10.2 A detailed update on the actions proposed to improve the Council's governance arrangements and respond to emerging issues is included at Appendix A for consideration by Members.
- 10.3 Each update has been considered by the Corporate Assurance Group. In reviewing the updates, the Group considered the assurances provided in order to determine;
- whether the required action has been completed appropriately
 - whether the issues are being sufficiently and effectively managed or
 - whether there are further issues or concerns arising.
- 10.4 The Corporate Assurance Group, with endorsement from Management Group Board, has concluded on which items should be considered as completed, and which require further monitoring. These decisions are summarised in Table 1.
- 10.5 Where items are removed from the progress update which is reported to the Audit and Governance Committee, they will still continue to be monitored by the Corporate Assurance Group and Management Group Board, and re-escalated if necessary through the ongoing AGS production and monitoring cycle.

Table 1 – Summary of Decisions

Description (Summarised)	Responsibility	Feedback to the Audit and Governance Committee:
Information Asset Register (Principle 3)	Chief Operating Officer	Corporate Assurance Group has considered the update provided and recommends that as the actions required to manage this issue have been completed, the issue will now be removed from the AGS update and monitored locally as described.
Business Continuity Planning (Principle 1)	Corporate Manager Governance and Audit	Corporate Assurance Group has considered the update provided and recommends that as there is an action plan in place and being progressed, the issue is now being managed sufficiently to remove it from the AGS update and be monitored locally as described.
Local Economic Partnerships (Principle 1)	Director of Economic Growth and Prosperity/Chief Operating Officer	Corporate Assurance Group has considered the update provided and recommends that this issue remains on the AGS progress update.
Council Funding (Principle 1)	Chief Operating Officer	Corporate Assurance Group has considered the update provided and recommends that this issue remains on the AGS progress update.
Project Management (Principle 4)	Chief Operating Officer	Corporate Assurance Group has considered the update provided and recommends that this issue remains on the AGS progress update.
New Service Delivery Models (Principle 3)	Chief Operating Officer	Corporate Assurance Group has considered the update provided and recommends that this issue remains on the AGS progress update.
Health and Social Care Integration (Principle 2)	Director of Adult Social Care and Independent Living	Corporate Assurance Group has considered the update provided and recommend that this issue is being sufficiently managed by the arrangements introduced to remove it from the AGS update and be monitored locally as described.
Public Service Reform - The Care Act (Principle 4)	Director of Adult Social Care and Independent Living	Corporate Assurance Group has considered the update provided and recommend that this issue is being sufficiently managed by the arrangements introduced to remove it from the AGS update and be monitored locally as described.
Information Governance (Principle 3)	Chief Operating Officer	Corporate Assurance Group has considered the update provided and recommends that this issue remains on the AGS progress update.

Production of the 2015/16 Annual Governance Statement (AGS)

10.6 In order to provide assurance that:

- governance arrangements are adequate and operating effectively in practice, or
- where reviews of the governance arrangements have revealed gaps, action is planned that will ensure effective governance in future.

The Council is required to:

- undertake regular, at least annual, reviews of the effectiveness of its governance framework
- consider the findings of the review at a meeting of the Authority or delegated Committee
- approve an AGS at a meeting of the Authority or delegated Committee
- publish the AGS

10.7 These requirements were introduced by the revised CIPFA/SOLACE Good Governance Framework (2012) and are necessary to meet the statutory requirement initially set out in the Accounts and Audit (England) Regulations 2011 and now in the Accounts and Audit (England) Regulations 2015.

10.8 The Audit and Governance Committee has, through its terms of reference, been delegated some governance responsibilities. These include considering the findings from reviewing the effectiveness of the Council's governance arrangements and approving the AGS. It is considered good practice to agree the process for preparing the AGS, including the framework of assurance that underpins it, with Members in advance.

10.9 The review of the effectiveness of the Council's governance framework for 2015/16 will be informed by the work of Internal Audit, senior managers and comments made by the External Auditors and other review agencies/inspectorates. The sources of assurance include:

- Senior management assigned with the ownership of risks and delivery of services through the risk management process
- The Section 151 Officer and the Monitoring Officer in meeting statutory responsibilities
- Internal Audit through the annual and interim reports
- External Audit through its reports to those charged with governance
- Outcomes from other review agencies and inspectorates
- Service managers who independently sign off on the adequacy of controls within their service areas via disclosure statements

- Other internal assurance providers (ICT Security etc.) via completion of questionnaires
- Designated officers who complete AGS self-assessment questionnaires (in this way compliance with the Council's Code of Corporate Governance will be evidenced).

10.10 The AGS will be considered by the Management Group Board on an ongoing basis with work being co-ordinated by the Corporate Assurance Group who will:

- review and update the Code of Corporate Governance and governance framework as necessary
- identify systems, processes and documentation that provide evidence of compliance including:
 - agreeing content and format of Management Disclosure Statements, self- assessments and questionnaires
- identify the individuals responsible for monitoring, reviewing and providing assurance on the systems, processes and documentation identified
- consider the extent to which the Council complies with the principles and elements of good governance set out in the CIPFA/SOLACE Framework using:
 - Self-assessment of the Organisation's performance against its Code of Corporate Governance
 - Completion of Disclosure Statements/Internal Assurance Provider questionnaires
 - Assessment of significant delivery partner governance arrangements
 - Self-assessment of Internal Audit against the Public Sector Internal Audit Standards
 - Assessment of the effectiveness of the Audit and Governance Committee
 - Consideration of sources of external assurance as applicable (External Audit, Ofsted, Care Quality Commission etc.)
 - Assessment of the effectiveness of mitigating actions for approved corporate risks
 - Consideration of the Annual Internal Audit Opinion Report
- identify issues that have not been addressed in the Council and consider how they should be addressed, including items reported in previous Annual Governance Statements
- identify the individuals who would be responsible for undertaking the actions that are required.
- produce the draft AGS, and co-ordinate its approval including review by Management Group Board and consideration by the Audit and Governance Committee in June 2016.

Developments in governance, risk management and audit arrangements and impact on the Work Plan

- 10.11 As previously reported to the Committee, the Corporate Governance and Risk Management Groups were merged during 2014/15 to form the Corporate Assurance Group. The Corporate Assurance Group is supported by sub groups for Information Governance and Operational Risk Management and is attended by the Portfolio holders for Risk and Governance. Task and finish groups will also be convened to address specific items if necessary. Together, they provide a high-level focus on risk management, control and governance arrangements and provide essential support for the production and approval of the AGS.
- 10.12 Audit and Governance Committee received a revised Code of Corporate Governance in June 2015. It is anticipated that the Code will be adopted before the end of the 2015-16 year. As there were no significant changes to the content of the Code, only the format, the review of effectiveness which informs the AGS can be carried out against the revised Code.
- 10.13 The CIPFA/SOLACE Joint Working Group on Good Governance in Local Government have recently consulted on a revised Framework for Delivering Good Governance in Local Government. A fundamental review is being undertaken to ensure that the guidance remains fit for purpose. The updated Framework and accompanying guidance is expected to be published early in 2016.
- 10.14 Organisations may be expected to reflect the updated guidance in preparing the 2015/16 Statements. The impact of this will not be clear until the updated guidance is published. Should there be a substantial change in the advised approach to preparing the Statement, or to the content and format of the Statement, it is proposed that these concerns would be discussed with members of the Corporate Assurance Group and the Member/Officer Group for Corporate Governance in the first place, reporting back to Audit and Governance Committee as necessary.

11.0 Access to information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Andrew North

Designation: Chair, Corporate Assurance Group

Tel No: 01270 686226

Email: Andrew.North@cheshireeast.gov.uk