Annual Governance Statement 2018/19 Progress Update December 2019

Appendix A



Progress against issues recognised in the Annual Governance Statement 2018/19

Business Continuity Planning	
Description of	Current and tested business continuity plans are not consistently in place across all service areas.
Issue	
Responsibility	Head of Audit and Risk
Action proposed	Develop Business Continuity Planning to ensure service delivery in the event of business disruption
at the time of	
inclusion in the AGS	
Progress Update for AGS 2018/19	During 2018/19 work continued across the organisation to develop high level business impact assessments to clarify the scope of the business continuity programme.
	Business Continuity and ICT Disaster recovery plans were tested following a network incident in January 2019. A "lessons learned" review identified a number of opportunities to improve the Council's resilience.
	This included the procurement of a web based application which facilitates and simplifies business continuity management and encompasses Business Impact Analysis (BIA), planning and exercise management. The information held centrally can be collated to produce an overarching Business Continuity Plan (BCP) which includes recovery time objectives, crisis management plans and procedures. This enables the delegation of business continuity management (BCM) responsibilities across the Council and the monitoring of plan maintenance.
	The application is currently in development, with a project management board in place to oversee the development and implementation of the software. Responsibility for the management and maintenance of the toolkit will then be overseen by the Head of Audit and Risk, with individual service managers having responsibility for the validity of the toolkit content for their area.
	Once the toolkit content is complete, it will be used to facilitate training and testing of services plans; this is

	critical for ensuring BCM plans are as effective as possible and can be flexible to the changing needs of the
	organisation.
Progress update	The purchased business continuity system has been subject to user testing, and the training of a range of users,
	including administrators and Heads of Service is nearing completion. This training has covered a reminder of
	Business Continuity Management principles as well as training on the product.
	Plans are now being populated onto the software. The next phase of the programme will be for Directors and
	Executive Directors to review plans across their operational areas; this will ensure moderation of plans, identify inter-dependencies and ensure sufficient coverage. A working group has also been established to look at cross-
	functional services, such as Communications, Estates, ICT and Customer Services. Moderation will identify areas for further refinement or development of plans and ensure support expectations can be met.
	The product is scheduled to be in full usage by January 2020. Ongoing review of plans will be facilitated through regular scenario testing, the results of which will inform further development of individual plans and the product.
Recommendation	To note progress, but for the item to remain on the AGS progress update.

Council Funding	
Description of	Ongoing and future changes to the financial framework - including several changes to national funding regimes -
Issue	will increase the Council's reliance on self-financing. Many of these arise from changes to benefit administration,
	reductions in government grant and more schools becoming academies.
	While the Council is in a strong position it needs to accelerate its transition to a full commissioning model to
	ensure that the quality and cost base of services are appropriate and meet the needs of local residents and
	businesses within the future level of available resources.
Responsibility	Director of Financial and Customer Services (Section 151 Officer)
Action proposed	The Council's approach to the continuing financial challenges, linked to austerity, are being addressed through
at the time of	a range of activities and communication channels.
inclusion in the	Senior accountants are fully engaging with government and professional bodies (such as CIPFA, SCT, RSN

AGS

and UTS), in the review of local government finance. Responses have been provided to consultations and regular seminars and meetings have been attended to ensure that issues relevant to Cheshire East Council are being discussed.

Estimates have been developed with the Portfolio Holder, and Cabinet members, around the main funding sources. This includes Council Tax levels, tax base growth, potential Business Rates growth and the diminishing grant position. The revised Corporate Plan also introduces the Council's commitment to developing a self-financing approach to achieving outcomes.

The Council's increasing level of collaboration with public sector partners, such as health services and neighbouring local authorities, is also subject to significant review and work is ongoing in line with CIPFA's Aligning Public Services model.

The best fit of service providers, also described in the Corporate Plan, remains a key element of the Council's approach. Contract management, with its strong links to achieving outcomes, is also developing as a key feature of the Council's control framework.

Progress Update for AGS 2018/19

The 2018/19 outturn was balanced, albeit with the use of reserves and non-domestic rates income that would otherwise have been unused. This position was reported as likely throughout the year, and this allowed the main issues to be addressed as part of the budget setting process for 2019/20.

Overspending occurred in a number of service areas. Most notably it was demand led pressure that caused Childrens Services to overspend, whereas unachievable savings caused overspending in Environmental and Corporate Services. General Reserve levels remained unaffected, in line with the approved Reserves Strategy.

The total earmarked reserves balance remained constant, although there was movement in individual reserves as reported in the accounts.

Financial uncertainty associated with consultations on local government funding still remain, although growth in the local domestic and non-domestic tax bases also remain strong.

Progress update	The Mid-Year Review 2019/20 highlighted potential overspending or up to £7.5m, based again on demand led pressures within People services, but also linked to unachievable savings in Corporate Savings. Mitigating action is being taken to stop or delay non-essential spending across the Council as well as looking again at options related to reserves and capital receipts where they have exceeded forecasts. Planning for 2020/21 has seen the launch of the Pre-Budget Consultation document. The proposals present a balanced position for 2020/21, significantly supported by the strong tax base and positive announcements within the September Spending Round. But there are potential deficits in the medium term due to significant uncertainty from unresolved consultations on Fairer Funding and Business Rate Retention.
Recommendation	To note progress, but for the item to remain on the AGS progress update.

Health and Social	lealth and Social Care Integration	
Description of	The Council is a key partner in the delivery of integrated health and social care and is a signatory of the Better	
Issue	Care Fund (BCF) submission to NHS England. This is a high profile programme of change which the Council is working with the two Clinical Commissioning Groups, (CCGs), and the two acute providers and one Community and Mental Health provider in the Borough. BCF is part of a staged process to focus and increase joint working with the NHS seeking to improve the health and wellbeing outcomes for Cheshire East residents, with the initial aims of the work programme being to reduce non-elective admissions to hospitals and Delayed Transfer of Care (DToC) locally. The initial Plans submitted in April 2014 did not include details of specific schemes, financial plans, risk assessment or fully developed key performance indicators.	
Responsibility	Acting Executive Director of People	
Action proposed	The BCF Governance Group, overseen by Cheshire East's Health and Wellbeing Board continues to meet on a	
at the time of	monthly basis to oversee the governance of the Cheshire East BCF.	
inclusion in the	Feedback was expected from NHS England and the Association of Directors of Social Services (ADASS) in	
AGS		

June 2016 regarding Cheshire East's plans for BCF in 2016/17. The expected status is "approved with support".

At the time of submission, there were areas requiring further work and attention including:

- Final agreement for expenditure plans;
- Lack of a Delayed Transfers of Care (DToC) plan for South Cheshire Clinical Commissioning Group; and
- Assurance that DToC is a standing item on Systems Resilience Group agendas (now called A&E Delivery Boards).

These areas had to be addressed by the end of June 2016 to avoid escalation to national level of assurance; these areas have now all been addressed within timescale. The BCF plan for Cheshire East has been approved by the Health and Wellbeing Board.

In April 2016 Mersey Internal Audit Agency published a report on the BCF arrangements in operation over 2015/16 which contained three key "medium" ranked recommendations:

- Failure to identify and effectively manage BCF risks;
- CEC and CCG's Programme Management Office approaches to the BCF are not co-ordinated; and
- Poor Information Governance.

These were included on the BCF risk register. The risk register and the risk assessment process have been reviewed and improved, to ensure that mitigating actions are Specific, Measurable, Assignable, Realistic and Time-related (SMART). Red rated risks are reviewed and updated on a monthly basis to ensure action is taking place to address.

A piece of work took place to look at Programme Management Office approaches across CCGs and LAs. This had already been done by PMO leads and good practice has been shared by them and adopted accordingly to ensure more consistent approaches. We also agreed a number of actions between us to streamline reporting processes.

Work on Information Governance is still ongoing but is the priority item on the agenda for the BCF Governance
Group is to establish any gaps and allocate necessary actions.

Progress Update for AGS 2018/19

Cheshire East Council is a proactive partner in the work of the Cheshire East Place Health and Care Partnership (one of nine such Place-based Partnerships in the Cheshire and Merseyside Health and Care Partnership). At a Cheshire and Merseyside level the Council is represented by the Acting Chief Executive at the System Management Board. Within the Cheshire East Place Partnership governance, the Acting Executive Director of People is the SRO and attends the Partnership Board (with the Portfolio Holder for Adults Social Care and Health and other officers) and he chairs the Partnership Executive Group. The Partnership has recently submitted its Five Year Plan, endorsed by the Cabinet and all Partner governing bodies. Updates regarding the work of the Place Partnership are provided to the Cheshire East Health and Wellbeing Board.

The BCF/iBCF schemes have continued to operate during the course of 2019, an end of year report covering the progress of the schemes during 2018/19 has been produced, and this includes information on the financial performance, data performance as well as summary of patient stories which will be presented to the Health and Wellbeing Board.

Since the last progress update in October 2018 a number of metric deep dives were carried out into:

- Non-elective admissions (General and Acute):
- Admissions to residential and care homes;
- Long stay patients; and
- Delayed transfers of care.

The aims of the deep dives were as follows:

- Understand system performance in relation to metric;
- Highlight differences between east and south;
- Highlight patterns/themes where greater resource can be targeted; and
- Produce a series of recommendations to be implemented by organisations.

An Integrated Leadership event has been planned for 8th May 2019; The aim of this workshop is to help identify our ambitions, capacity and commitment to achieving a fully integrated health and care system. The workshop will help offer insight into where we are now and the right way forward. We have invited stakeholders from the health and social care system across Cheshire East in order that we can work on a place based approach.

Work is underway to create a single winter plan across Cheshire East, the single plan across Cheshire East would help identify:

- A single view of the overall Cheshire East problem (in regards to winter demand), a breakdown of the specific problems faced across CCG footprints as well as social care issues/problems across HWB footprint;
- The timescale for the implementation of winter schemes;
- Available funding;
- Lead organisations for winter schemes;
- Geographic coverage of the deployed scheme;
- · Performance metrics which the schemes will impact against; and
- Reporting and governance requirements.

The BCF Governance Group continues to underpin the strategic approach towards health and social care integration. A monthly highlight report covers progress to date, update on key areas of work, risks and issues.

On a quarterly basis the local BCF performance is reported to the central national BCF team, this performance is reported through a standardised template. This template is then converted into a narrative report which gets reported to HWB each quarter.

In order to meet and demonstrate a robust and clear outcomes framework for reporting, a monthly process for reporting across all schemes continues to operate, together with an integrated approach to data management across all three BCF partners in Cheshire East. Data leads from each organisation support the production of a

	performance dashboard which is produced on a monthly basis. This, along with the highlight report is supplied
	to the BCF Governance Board. The dashboard identifies the latest position in respect of a number of the
	national metrics. For the 2019/20 period a range of new schemes and descriptors have been produced these
	will be shared with partners in readiness for the assurance process for the 2019/20 plan.
Progress update	Cheshire East Council is a proactive partner in the work of the Cheshire East Place Health and Care
	Partnership (one of nine such Place-based Partnerships in the Cheshire and Merseyside Health and Care
	Partnership).
	At a Cheshire and Merseyside level the Council is represented by the Acting Chief Executive at the System Management Board. Within the Cheshire East Place Partnership governance, the Acting Executive Director of People is the SRO and attends the Partnership Board (with the Portfolio Holder for Adults Social Care and Health and other officers) and he chairs the Partnership Executive Group. The Partnership has recently submitted its Five Year Plan, endorsed by the Cabinet and all Partner governing bodies. Updates regarding the work of the Place Partnership are provided to the Cheshire East Health and Wellbeing Board.
	Health and social care integration can be demonstrated in a number of areas within the local system. This evidence can be demonstrated through; joint programmes of work (Better Care Fund), jointly commissioning services (Care at home and Homecare), developing a joint shared understanding and a joint strategic approach towards commissioning.
	Joint programmes of work The Better Care Fund - partners are committed to continuing to prioritise the schemes within the Better Care Fund and improved Better Care Fund, as a means of pooling resources to achieve common objectives. The emphasis is particularly to support individuals to remain independent but also to support them back into the community following an emergency admission to hospital (to minimise 'Delayed Transfers of Care'), including effectively arranging appropriate care either within their own home or temporarily within an intermediate care setting, during a period of rehabilitation.

Developing a joint shared understanding

An agreed set of shared values have been spelled out in a Memorandum of Understanding (MoU) which has been established between Cheshire East Council, South Cheshire CCG and Eastern Cheshire CCG as part of a Joint Commissioning Group.

In addition to the MoU we have a joint Health and Wellbeing strategy that sets out a commitment by the NHS, the Local Authority and our other partners on the Health and Wellbeing Board to collaborate to tackle the complex, difficult and inequitable health and wellbeing issues together.

Jointly commissioning services

Examples of joint commissioning across the Council and CCGs at an individual level includes commissioning of Care at Home (Domiciliary Care) and Accommodation with Care (Nursing and Residential Care). Service Specifications have been developed jointly across the Council and CCGs, including options which make local provision more flexible to meet individual needs and also to provide continuity of care. This includes the inclusion of low level CHC provision.

Joint strategic approach towards commissioning

From a Commissioning perspective the strategic documents are currently under development i.e. the papers cover Older People and CYP. The 'Older Persons Integrated Commissioning' paper will provide recommendations in terms of the Commissioning Resources and Mechanisms (Staff, Aligned Budgets (but not pooled), Governance and existing Commissioning Frameworks / Dynamic Purchasing Systems etc.).

A number of papers have been shared with committees, a summary of those focusing on joint programmes of work is shown below:

• Quarterly reports HWB – The purpose of this paper was to provide the Health & Wellbeing Board (HWB) with a summary of progress made during the Quarter. Cheshire Health and Wellbeing Board 26/03/2019.

	 Local systems review – This report provided an update on the readiness of the Cheshire East system in anticipation of a potential future local system review by CQC. The purpose of the local system reviews is to determine how well people move through the health and social care system. The local system review align to the HWB vision and principles. Cheshire Health and Wellbeing Board 23/07/2019.
	 Improved Better Care Fund - This report described the areas of activity and the proposed expenditure for the grant money being received directly by Cheshire East Council in 2019/20 through the Improved Better Care Fund (iBCF). It identified a number of schemes and presents the rationale of how they meet the needs and demands of the local care and health economy in Cheshire East. Cabinet 10/09/2019.
	End of year report – This report highlighted the performance of the Better Care Fund including the Improved Better Care Fund in Cheshire East in 2018/19. Cheshire Health and Wellbeing Board 24/09/2019.
	 Delayed transfer of care - This report considers the impact of winter pressures on DTOC performance for the winter period for 2018/19. The report comprised of the following areas: Winter pressures faced, Solutions which were implemented locally and what impact this had on DTOC performance. Health and Adult Social Care Overview and Scrutiny Committee 10/10/2019
Recommendation	To note progress, but for the item to remain on the AGS progress update.

Consolidated Find	Consolidated Findings report by Internal Audit re Asset Transactions	
Description of	Early in 2017/18, the Acting Chief Executive and the Executive Director of Place and Acting Deputy Chief	
Issue	Executive requested that Internal Audit undertook a review of the Council's arrangements for asset disposals	
	and purchases. This was started in July 2017, and concerns have been identified over a number of acquisitions.	
Responsibility	Internal Audit, reporting to the Acting Chief Executive	
Action proposed	Internal Audit work in this area is ongoing, and findings to date have been referred to the North West Regional	
at the time of	Organised Crime Unit for consideration and further investigation.	
inclusion in the	The Council's external auditors have confirmed that their value for money conclusion for 2016/17 was qualified	
AGS	due to the findings identified and reported by Internal Audit.	

Progress Update for AGS 2018/19	Internal Audit work in this area is now complete, although support is being provided to the ongoing police investigations.
	The service has responded positively to the Consolidated Findings report produced by Internal Audit and significant progress has been reported to Corporate Leadership Team.
	Progress is monitored by the Executive Director Place and a detailed follow up review will be undertaken by Internal Audit during 2019/20 to seek assurance that the previously identified issues have been addressed and the overall control environment is sufficiently robust to mitigate the associated risks.
Progress update	Internal Audit work is concluding in this area. A draft report is being prepared and findings support the significant progress reported by the service. There remain a number of actions which are in progress however, testing results indicate that processes are being embedded and a Satisfactory opinion will been given.
Recommendation	As there has been significant progress in this area, it is recommended that this item is removed from the Annual Governance Statement. Future monitoring of compliance in this area will be undertaken by the Executive Director of Place and reported to Corporate Leadership Team.
	Follow up on actions identified within the Internal Audit report will be undertaken in line with Internal Audit's follow up policy and reported as part of the regular updates to Audit and Governance Committee.

Holiday Pay	
Description of	During the course of investigating and managing the Council's responsibilities in relation to sleep in payments,
Issue	and developing case law on changes to holiday pay calculations, the Council has also identified that there could be a challenge over holiday pay. HR colleagues have undertaken work to understand the scale of this issue, and ensured the risks are being managed effectively, with regular reports being taken to the Corporate Leadership Team and briefings to the Portfolio Holder.
	In addition to the actions already undertaken, work will continue to be undertaken to establish the potential

	impact of this changing case law on all Council services where staff earnings fluctuate which could affect future
	holiday pay liabilities both going forward and retrospectively to meet employment law compliance.
Responsibility	Head of HR
Action proposed	The following actions have so far been undertaken:
at the time of	On going reports to CLT and ELT to discuss the legal and financial implications, as well as timescales
inclusion in the	and options available for completing this exercise;
AGS	Discussions with the Trade Unions on this matter continue; and
	External and internal legal advice taken on this matter.
	The risk has been included in the HR Risk register but until the matter is quantified across all Council service
	areas the risk cannot be identified and assessed before putting on the corporate risk register.
Progress Update	Throughout 2018/19, work has been ongoing to identify service areas that may have to review their holiday pay
for AGS 2018/19	arrangements using a risk based approach. This included agreeing an action plan for each service to ensure
	future compliance.
	With the exception of Schools and Catering services, the risk assessment for all Council services and ASDVs is now complete. Schools and Catering services require a different method of calculation due to their contractual positions. Action is now required by services to provide details to allow the calculation of arrears where non-compliance has been identified and this is on-going.
	In relation to Care4CE all arrears calculations for Phase 1 (1 st April 2017 to 31 st October 2018) have been calculated and have been agreed and signed off for payment by the service and Corporate Leadership Team (CLT) for payment in May salaries. In addition some 45 grievances for sleep in and holiday pay have been heard and dealt with in line with Council procedures.
	Phase 2 arrears (1 st November 2018 to 31 st March 2019) are in the process of calculation during May/June and will also be paid in June /July salaries completing all arrears payments up to 1 st April 2019
	In May 2019 CLT received a report regarding this progress and options for the way forward for future annual

	leave liabilities for this financial year. The costs of these arrears are included in the Medium Term Financial Strategy.
	Discussions with the trade unions continue and the Council has sent a Memorandum of Understanding to all unions for their sign up and support. The HR risk register and corporate risk registers will be updated to reflect this progress.
Progress update	Considerable progress has been made to ensure the Council is compliant with the current case law changes in holiday pay. Future case law will be monitored to ensure any further legal changes are actioned as appropriate.
	Most Council services and ASDVs employees due arrears have now been paid and the system for calculating holiday pay is live in Oracle and is a planned development in B4B.
	CLT continues to monitor progress through regular update reports and Unions continue to be consulted.
	One area of development which is still under case law review is the application of holiday pay for Term Time Workers. This applies mainly to CEC and ASDV employees employed in maintained schools, Catering and TSS services.
	The latest case law in this area was recently challenged in a Tribunal case which is under consideration by ACAS and the outcome awaited. Work will be undertaken identify the implications and options going forward for these effected services and findings will be reported to CLT in due course.
Recommendation	It is now recommended this item is removed from the AGS due to significant progress being made and that plans are in place with regular reports to CLT. The risk register will be updated and included in service plan to reflect this current position.

Proposed change to the Committee system of governance	
Description of	Following the change in political leadership in May 2019, the Council will be exploring a change from the Leader
Issue	and Cabinet Model of governance to the implementation of a full Committee model of governance.

	This will be developed during 2019/20 with a view to taking effect from the beginning of the 2020/21 Municipal
	Year subject to a legally and constitutionally robust process, led by the Council's Constitution Committee, and
	agreed by Council.
Responsibility	Acting Chief Executive
Action proposed	The change in the Council's decision making arrangements and governance framework will be undertaken
at the time of	through the Council's Constitution Committee and Council to ensure that the process of change is legally
inclusion in the	compliant and delivers the intended outcome.
AGS	
Progress Update	n/a – First recognised in the 2018/19 Statement
for AGS 2018/19	
Progress update	A cross party Governance Working Group has been established to oversee the work required to progress the implementation of a full Committee model of governance.
	The Group has been established with the following objectives in its terms of reference; • to learn from other Council's who have implemented a committee system,
	 establish a timeline to ensure the Council can make a final determination upon the matters approved in the notice of motion,
	 develop a form of governance for consideration by the Constitution, giving regard to any financial and constitutional changes that would be required;
	 the implications, for the timeliness of decision-making, of available alternative models of governance, and associated proposals.
	 to report back to the Constitution Committee at key stages, as and when required, with additional meetings of the Committee if required.
	Reports will be considered by the Constitution Committee and by Council.
Recommendation	To note progress, but for the item to remain on the AGS progress update.

Replacement of the	Replacement of the Council's Core Financial Systems		
Description of Issue	The Council is in the process of replacing its existing Enterprise Resource Planning (ERP) system, in a joint project with Cheshire West and Chester Council.		
	This will see the replacement of the existing Oracle system including core modules covering accounts payable, income and payroll.		
	The new system will achieve business efficiencies through changes in the software and supporting business processes.		
	Change in the Council's core business system needs to be carefully managed to ensure the new system is fit for purpose that the change over managed with minimal disruption, and that the transition to new business processes is successfully implemented to deliver the intended benefits.		
Responsibility	Executive Director of Place and Acting Deputy Chief Executive.		
Action proposed	The governance model adopted to deliver the replacement business system recognises the significance of the		
at the time of	change required and risk involved in project delivery.		
inclusion in the			
AGS	Member involvement has been set up through the Shared Services Joint Committee and a specific joint scrutiny working group.		
	Programme delivery is monitored by a Programme Board; this is attended by the external implementation partner and is supported by a jointly staffed internal team which has been involved from the procurement stage.		
	The Councils' Internal Audit teams are undertaking a joint programme of review and assurance throughout the implementation of the replacement and ahead of the new system going live.		
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Progress Update for AGS 2018/19	n/a – First recognised in the 2018/19 Statement		
Progress update	In partnership with Cheshire West and Chester Council, a fundamental review of the Best 4 Business		

	programme has been taking place since August 2019. This has been undertaken by an external advisor and has resulted in constructive and helpful feedback to enable the programme to move forward and deliver successfully.
	To ensure delivery of the programme, a number of changes to programme management and governance have been made, including the appointment of a Programme Director and Programme Manager. Focus will now move on to reviewing arrangements with Agilysis to ensure the right solution for both Councils is achieved. A review of the programme business case will be undertaken, with any variances from the original budget being included in the Council's Medium Term Financial Strategy.
	Progress updates have been provided to the Council's Overview and Scrutiny Committees, and the Shared Service Joint Committee and Cabinet. A joint scrutiny working group is being developed, with terms of reference and approach to be agreed.
Recommendation	To note progress, but for the item to remain on the AGS progress update.