

Minutes of a meeting of the Corporate Governance Committee held at County Hall, Glenfield on Friday, 17 November 2023.

PRESENT

Mr. T. Barkley CC (in the Chair)

Mr. N. D. Bannister CC  
Mr. D. C. Bill MBE CC  
Mr. G. A. Boulter CC  
Mr. B. Champion CC  
Mr G. Grimes (Independent  
Member)

Mr A. Maxfield (Independent  
Member)  
Mr. J. T. Orson CC  
Mr. T. J. Richardson CC

31. Minutes.

The minutes of the meeting held on 22 September 2023 were taken as read, confirmed and signed.

32. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

33. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

34. Urgent items.

There were no urgent items for consideration.

35. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr T. J. Richardson CC declared a non-registerable interest in agenda item 12 (Treasury Management Update) as he was in receipt of a pension from Lloyds Bank Plc.

36. Presentation of Petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

### 37. Clinical Governance Annual Report

The Committee considered a report of the Director of Public Health which provided assurance regarding the Council's Clinical Governance processes since the last report to the Committee in November 2022. The report also set out some of the key issues dealt with as part of the Council's clinical governance arrangements, and role and responsibilities since October 2022. A copy of the report marked 'Agenda Item 7' is filed with these minutes.

Arising from discussion the following points arose:

- (i) A Member commented that the information provided set out a high level overview of the governance arrangements in place but that further detail was needed for the Committee to challenge and test if this was adequate. Members noted that the Standard Operating Guidance included the clinical governance processes to be followed in relation to serious incidents and safeguarding which had been summarised in the report. However, this document was large and substantially detailed including the steps to be taken at an operational level. The Director confirmed that a link to the full document could be provided to aid members understanding of the processes in place and undertook to include this in future reports.
- (i) Members noted that the services, which had once been provided by the NHS until the transfer of public health to the County Council, were provided by qualified doctors and nurses and therefore followed the same governance framework applied to other NHS clinical services. Members were assured that these were robust but could be more clearly detailed in future reports. It was suggested that the inclusion of some case examples that evidenced the clinical governance processes followed would be beneficial to understand how effectively these were working.
- (ii) A Member commented that the figures regarding serious incidents as detailed within the report were difficult to consider without more context. It was suggested that some benchmarking data would be beneficial to understand whether the Council's approach to these was working.
- (iii) A Member queried why NHS health checks were only provided up to the age of 74. The Director advised that this was a national prevention scheme commissioned by Public Health from local GP's which targeted those that might not be in regular contact with their GP but who might benefit from health advice and support (for example regarding diet or smoking). Members questioned the level of take up and noted that whilst this had fallen as a result of Covid, this was now improving.
- (iv) A Member raised concern that no bids had been received in respect of the Council's re-procurement of sexual health services. The Director reported that there were only a small number of providers and that this was therefore a challenging market. The current contractor was meeting requirements, but it was difficult for a new business to seek to take over from another organisation. The Chairman suggested that this was a matter for the Health Overview and Scrutiny Committee to consider as it was not related to governance processes.

- (v) It was noted that the Council's Health Overview and Scrutiny Committee monitored the performance of all clinical services and looked at these on an individual basis, particularly if issues had arisen. Providers and stakeholders were invited to attend these meetings to answer questions. Members noted that the Scrutiny Committee formed part of the clinical oversight provided but commented that this appeared to be ad hoc and suggested that a more consistent and regular reporting process might be better. The Director undertook to consider this suggested approach.
- (vi) Members noted that an internal audit of Public Health Services had been undertaken in 2015 when this had been transferred from the NHS. At that time, it was agreed that an annual report to the Committee would be appropriate given that clinical services sat outside the Council's normal governance structures. It was acknowledged that balancing the level of detail necessary to support the Committee's understanding of the governance processes relating to these services, whilst not including unnecessary operational detail, was difficult. It was suggested that a further internal audit might be timely and that this consider how best to report on such matters in the future.
- (vii) Whilst Members supported the proposed internal audit, it was suggested that a further update to this Committee which focused on clinical governance processes and structures would be beneficial. It was suggested that this would be best covered by way of a presentation to the May 2024 meeting.

RESOLVED:

- (a) That the update now provided regarding the Council's clinical governance processes be noted;
- (b) That a further update be provide to the Committee in May 2024 providing less clinical detail but more information regarding governance processes adopted and that this be provided by way of a presentation;
- (c) That the Director be requested to consider a more regular and structured approach to reporting to the Health Overview and Scrutiny Committee on safeguarding and serious incidents;
- (d) That the Head of Internal Audit Service be requested to undertake a light touch audit of the Council's approach to clinical governance and to consider how to improve future reporting to this Committee.

38. Local Government and Social Care Ombudsman Annual Review 2022/23 and Update on Corporate Complaints and Freedom of Information Requests

The Committee considered a joint report of the Chief Executive and the Director of Corporate Resources which set out the Local Government and Social Care Ombudsman (LGSCO) annual review letter for the Authority for 2022/23 and provided an update on improvements to the Council's complaints procedures and on the handling of Freedom of Information (FOI) Act and Environmental Information Regulations enquiries. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

Arising from discussion, the following points arose:

- (i) A Member raised concerns that most complaints related to SEN Assessments and SEN School Transport. The Director provided assurance that much was being done to address the issues across both the Children and Families and Environment and Transport Departments and that the relevant scrutiny committees were monitoring progress. However, as demand continued to increase and the Council's resources became more stretched, Members acknowledged this was difficult. It was suggested that the concerns now raised be brought to the attention of the relevant Overview and Scrutiny Committees so that these could be addressed in future reports to those committees.
- (ii) All FOI requests received a response in line with guidance from the Information Commissioner, even if this was to advise that the information requested could not be provided, in which case clear reasons would be given. It was noted that whilst there was an exemption which allowed the Council to refuse to respond to 'vexatious' requests, the bar to apply this was very high and the Council in any event sought to disclose information wherever possible.
- (iii) In response to questions raised, the Director confirmed that whilst the Council did receive multiple FOI requests from some individuals, these were not significant in number.

RESOLVED:

- (a) That the Local government and Social Care Ombudsman annual review letter for the Authority for 2022/23 be noted;
- (b) That the relevant overview and scrutiny committees be advised of the concerns now raised by the Committee regarding the number of complaints raised in respect of SEN Assessments and SEN School Transport.

39. Local Government and Social Care Ombudsman Consultation on Joint Code of Practice for Complaints

The Committee considered a joint report of the Chief Executive and the Director of Corporate Resources which sought approval of the Council's response to the current consultation being undertaken by the Local Government and Social Care Ombudsman (LGSCO) on a proposed joint handling code for complaints. The report also provided an update on the likely implications and developments required to ensure compliance with the code when launched in April 2024. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

Arising from discussion, the following points arose:

- (i) Members expressed concern that the proposals would add to the volume of complaints to be managed but did not provide any additional resources to support this. Any expression of mild dissatisfaction would be required to be treated as a complaint which Members agreed was neither appropriate nor a helpful way to drive improvements. It was agreed that the proposals

would instead add further unnecessary pressure on services that were already stretched.

- (ii) The Director advised it was not yet clear what resources would be required to support the new complaint system if imposed, but these were expected to be substantially more than they were currently.
- (iii) It was noted that the proposals would impact district councils as they were the local housing authorities.
- (iv) Members noted that recent comments by the newly appointed Local Government Ombudsman had made plain that the financial pressures faced by local authorities would not be taken into account when considering complaints. The same standards would therefore be applied, even though councils had significantly less resources to deliver services. Members commented that this failed to recognise the current position of local government which was unhelpful.
- (v) Members supported the proposed response to the consultation but unanimously agreed that this should be more forceful to emphasise the financial impact the proposals would have and the lack of benefit these would deliver for residents.

RESOLVED:

- (a) That the report be noted;
- (b) That the Council's proposed response to the consultation be approved subject to this being made more forceful to emphasise the financial impact the proposals would have and the lack of benefit these would deliver for residents.

40. Revised Protocol on Member/Officer Relations

The Committee considered a report of the Director of Law and Governance, the purpose of which was to present changes to the Protocol on Member/Officer Relations prior to these being submitted to full Council on 6<sup>th</sup> December 2023 for approval. A copy of the report marked Agenda Item 10' is filed with these minutes.

Members supported the proposed changes but suggested that the requirement to invite local members to events organised in their electoral division (paragraph 28) should be qualified to only refer to those which were relevant to the Members role as a County Councillor. The Director undertook to amend the Protocol to reflect the comments now made.

RESOLVED:

That the County Council be recommended to approve the changes to the Member/Officer Relations Protocol subject to paragraph 28 being amended to only refer to events which were relevant to the Members role as a County Councillor.

#### 41. Risk Management Update

The Committee considered a report of the Director of Corporate Resources which presented the Corporate Risk Register for approval and provided a Counter Fraud update. A copy of the report marked 'Agenda item 11' is filed with these minutes.

The Chairman advised the Committee that the planned presentation to be provided on Property and Occupancy Risk Management would be deferred to the next meeting.

In light of recent media relating to Birmingham City Council which had issued a section 114 notice that had centred largely around its substantial equal pay liability, Members were reassured that this was not an emerging risk for the County Council. Whilst the Council faced some challenges, these were few in number and were being addressed.

The Director reported that the Council had rigorous checks in place and applied the HAY method of job evaluation which looked at comparable posts, so jobs were not looked at in isolation. It also had an appeals process in place. Members noted that equal pay audits were undertaken every three years and the next review would be held in Spring 2024. The Director confirmed that the Council did not expect to have any hidden liabilities.

#### RESOLVED:

- (a) That the current status of the strategic risks facing the County Council be approved;
- (b) That the presentation on Property and Occupancy Risk Management e provided at the next meeting of the Committee;
- (c) That the update on emerging risks, including those relating to equal pay, be noted;
- (d) That the update on mitigating the risks of fraud be noted.

#### 42. Treasury Management Update

The Committee considered a report of the director of Corporate Resources which provided an update on the actions taken in respect of treasury management for the quarter ending 30<sup>th</sup> September 2023 (Quarter 2). A copy of the report marked 'Agenda Item 12', is filed with these minutes.

In response to a question raised, the Director advised that a PWLB (Public Works Loan Board) loan with an interest rate of 9% had been taken out many years ago at a time when this would have been considered to be low. The term of the loan was around 40 to 50 years and so it was inevitable that interest rates would go up and down during that period. Members noted that the loan had been rescheduled following advice from Link, the Council's treasury management advisors, and a proportion paid off to reduce the principal remaining.

#### RESOLVED:

That the action taken in respect of treasury management for the quarter ending 30<sup>th</sup> September 2023 (Quarter 2) be noted.

43. Date of next meeting.

RESOLVED:

That the next meeting of the Committee be held on Friday, 26 January 2023.

10.00am - 11.39am  
17 November 2023

CHAIRMAN