

Harlow Council - Annual Governance Statement 2018/19

Scope of responsibility

- 1.1. Harlow Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2. In meeting this overall responsibility, the Council must put in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, including arrangements for the management of risk.
- 1.3. The Council has adopted a code of corporate governance (last reviewed November 2018) which is consistent with the principles of the CIPFA (Chartered Institute of Public Finance and Accounting)/SOLACE (Society of Local Authority Chief Executives) Framework *Delivering Good Governance in Local Government*.
- 1.4. This statement explains how the Council delivers good governance and reviews the effectiveness of these arrangements. It also meets the requirements of Regulation 6 of the Accounts and Audit Regulations 2015, in relation to the publication of an annual governance statement.

The purpose of the Governance Framework

- 1.5. The Governance Framework comprises the systems and processes, culture and values by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.
- 1.6. The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risks of failure to achieve policies, aims and objectives, and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on-going process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives. The system is designed to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.
- 1.7. The Council's financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2016).
- 1.8. The Council's governance framework has been in place within the Council for the year ended 31 March 2019 and up to the date that the statement of accounts was approved.

The Governance Framework

- 1.9. The Council's Governance Framework has been set up over successive years and is reviewed annually to ensure its continuing effectiveness with regard to the seven CIPFA/SOLACE principles of delivering good governance as updated in 2016, which are:
- Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
 - Ensuring openness and comprehensive stakeholder engagement.
 - Defining outcomes in terms of sustainable economic, social and environmental benefits.
 - Determining the interventions necessary to optimise the achievement of the intended outcomes.
 - Developing the Council's capacity, including the capability of its leadership and the individuals within it.
 - Managing risks and performance through robust internal control and strong financial management.
 - Implementing good practices in transparency, reporting, and audit, to deliver effective accountability
- 1.10. A brief description of the key elements of Governance Framework in place at Harlow Council is included as Appendix 1. The annual review of the effectiveness of this framework is covered in the next section.

Review of effectiveness

- 1.11. The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by:
- a) the work of the senior management team who have responsibility for the development and maintenance of the governance environment
 - b) the role of the Cabinet and committees, including the Audit and Standards Committee and the Shareholders Sub Committee for the Council's wholly owned subsidiary company Harlow Trading Services
 - c) the Internal Audit Manager's Annual Report
 - d) comments made by the external auditors
 - e) other review agencies and inspectorates
- 1.12. The review has been led by the Corporate Governance Group comprising the Head of Governance, the Section 151 Officer, a Policy and Performance representative, the Internal Audit Manager, the Insurance and Risk Manager, the Legal Services Manager and other officers when they have specific contributions to make. In carrying out the review, the Group has kept in mind the seven CIPFA/SOLACE principles of effective governance. The Group has considered the following evidence:
- a) Service Assurance Statements – each third tier manager, in conjunction with their Head of Service, has completed a self-assessment covering the effectiveness of governance arrangements in their area. The self-assessments, which have been reviewed by Internal Audit, have been used to identify areas for improvement both at a service level and, where

more than one service has identified an area for improvement; corporate actions have been added to the improvement plan covered in the next section.

- b) The Internal Audit Manager's annual opinion on the Council's control framework, delivered to the Audit and Standards Committee, as the body charged with governance.
- c) Based upon the results of work undertaken during the year it is the Internal Audit Manager's overall opinion that the Council has an adequate and effective governance, risk management and control framework for 2018/19. Areas for improvement were identified in a number of reviews and action plans agreed. Where significant deficiencies in control processes have been identified by Internal Audit, the actions that the Council's management plan to take will, if implemented satisfactorily, resolve the deficiencies in the appropriate manner.
- d) External audit reports issued during the 2018/19 year. Where these exist, we have also used reports from other agencies and inspectorates.

1.13. During the year the Corporate Governance Group has been responsible for monitoring and reviewing the corporate governance framework and for considering specific governance issues as they arise. The work of this group has strengthened many of the Council's governance processes and has addressed issues raised in the Annual Governance Statement. In particular, the group continues to ensure that there is better integration of the assurance framework and that the process for producing the Annual Governance Statement remains robust.

1.14. The Corporate Governance Group has undertaken an assessment of the arrangements for governance during 2018/19 and has concluded that arrangements are fit for purpose and working effectively. As a result of this assessment, a small number of governance issues have been identified and in order to further strengthen arrangements, an action plan to address these issues is set out below.

Overall opinion of Harlow's governance arrangements

1.15. This AGS demonstrates that the Council has sound governance arrangements in place which continue to work well in practice for the 2018/19 financial year. However, the Council is not complacent and areas for improvement or development are detailed below.

Governance Issues Identified

1.16. This final part of the Annual Governance Statement (AGS) outlines the actions taken, or proposed, to deal with significant governance issues identified. The Council's Corporate Governance Group, which monitors and reviews the corporate governance framework, has ensured that the issues raised in the previous AGS have been addressed as detailed in Table 1 below:

Table 1 – Progress on significant governance issues identified in the 2017/18 AGS

| Significant issue identified in 2017/18 AGS | Action taken in 2018/19 to address the issue |
|---|--|
| <p>1. General Data Protection Regulations (GDPR): On 25 May 2018, the EU General Data Protection Regulation came into force. It is important the Council not only maintains compliance but ensures there is a continuous process for improvement too.</p> | <p>The number of self-reported data breaches to the Information Commissioner’s Office during 2018/19 was low, being two. The ICO took no further action as they placed reliance on the action plan submitted with each notification.</p> <p>GDPR across the Council is overseen by the Officer Information Governance Group. Membership includes the Council’s Data Protection Officer, who works in conjunction with Internal Audit to ensure data protection compliance.</p> |
| <p>Common theme from the Service Assurance Statements was:</p> | |
| <p>2. Business Continuity Plan (BCP) testing: Testing regimes to be introduced to verify the effectiveness of business continuity plans, provide training to participants on what to do in a real scenario and identify areas where the plan needs to be strengthened.</p> | <p>Progress against this is being monitored by the Corporate Governance Group.</p> <p>The updated corporate business continuity plan/emergency plan has been reviewed by Senior Management Board, who approved the need for a testing regime to be implemented.</p> <p>A desk top exercise took place during 2018/19 which included Heads of Service and Third Tier Managers, with a more extensive test planned when the Council’s telephony system has been upgraded. In the meantime, IT disaster recovery arrangements at Latton Bush have been tested in conjunction with service users.</p> <p>Critical Incident Training involving Councillors, senior officers and key staff took place on Monday 15th April 2019.</p> |

- 1.17. In preparing this statement and reviewing the effectiveness of the Council’s governance arrangements, the following areas have been identified for improvement. These are set out in the table below, together with the steps to be taken to address them:

Table Two: Areas for improvement or monitoring during 2019/20

| Key improvement/review area | Action to be taken in 2019/20 |
|---|--|
| <p>1. Harlow Trading Services (HTS) Group: With the expansion of the HTS Group, and the potential for further entities, governance arrangements need to be kept under review.</p> | <p>Review the robustness of governance arrangements, including the role of the Shareholders Sub Committee to ensure it is adequately carrying out the shareholder functions on behalf of the Council and to avoid both officer and member conflict of interests.</p> |
| <p>2. Brexit: If there is a 'no deal' Brexit then this may impair the Council's strategic aims and objectives.</p> | <p>The implications are being regularly monitored by SMB. The Council liaises with the Local Resilience Forum Lead and with the East of England LGA on Brexit related operational issues and community impact. In turn both these organisations liaise with MHCLG.</p> |

| Key improvement/review area | Action to be taken in 2019/20 |
|--|--|
| Common theme from the Service Assurance Statements were: | |
| 3. Operational risk management: Recording of key operational risks could be improved to ensure they feed into the corporate risk management process and for better identification of interrelated risks. | This will be addressed through the roll out of the new risk strategy, review of the Council's risk appetite and assessment of the Council's risk maturity which will allow benchmarking of risk management within the Council against best practice and establish how well risk management as a discipline is embedded and integrated. |
| 4. Project management: Lack of corporate approach for projects. | Outcomes on the development of project management processes and methodology within the In-Phase system needs to rolled out across the Council |

1.18. The Corporate Governance Group will oversee this action plan over the coming year and report on progress to the Audit and Standards Committee. The Group will ensure that governance issues are promoted, addressed and monitored in a co-ordinated manner throughout the next financial year.

1.19. We, the undersigned, are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness. The Council's Governance Group will monitor their implementation and operation throughout the year and report progress as part of our next annual review.

Signed: _____ Date: _____
 (Leader of the Council)

Signed: _____ Date: _____
 (Managing Director)

APPENDIX 1

| INTEGRITY | OPENNESS | VISION | OUTCOMES | CAPACITY AND CAPABILITY | RISK AND PERFORMANCE | ACCOUNTABILITY |
|--|--|--|---|--|---|---|
| Behave with integrity, demonstrating a strong commitment to ethical values and respect the rule of law. | Ensure openness in its culture and engage comprehensively with stakeholders, citizens and service users. | Have a clear visions and defined desired outcome in terms of sustainable, social and environmental benefit. | Have in place interventions necessary to optimise the achievement of its intended outcomes. | Develop the Council's capacity and capability of its leadership and staff | Manage the Council's risk and performance through robust internal control and strong public finance management. | Implement good practice in transparency, reporting and audit to deliver effective accountability. |
| Annual Governance Statement 2018/19 | | | | | | |
| <ul style="list-style-type: none"> • A robust whistleblowing policy and zero tolerance approach to fraud and corruption. • The Constitution sets out codes of conduct for Councillors and Officers. • The Constitution, which sets out decision making framework, gives clear definitions of roles and responsibilities and a protocol for how Councillors and Officers work together | <ul style="list-style-type: none"> • Leadership encourages open and supportive culture. • Standard committee report format and publicly available modern.gov system for reporting. • Strategy for encouraging stakeholder involvement. • Overview and Scrutiny Committee | <ul style="list-style-type: none"> • A new corporate plan 2019 to 2022 has been approved • Draft Local Plan that supports the Council's vision • Defined standards of customer service backed by a complaints procedure | <ul style="list-style-type: none"> • Open and transparent reporting of Key Performance Indicators and action plans for indicators that are out of tolerance • Decision making processes that receive objective and rigorous analysis including involvement of the Monitoring and Section 151 Officers • Anti-Fraud and Corruption Strategy | <ul style="list-style-type: none"> • A People Resources Plan to ensure that the Council has the staff, the skills, the knowledge, the facilities and the resources to meet legal requirements, its Vision and Corporate Plan. • The Council has an established induction and training programme for existing and new Councillors. This process includes mentoring and training events as and when identified | <ul style="list-style-type: none"> • A corporate Risk Strategy and toolkit. • A performance management framework which includes integrated performance and financial management report. • Medium Term Financial Strategy and integrated service planning approach • Internal Audit function to provide assurance on governance, risk management and control. • Audit and Standards Committee | <ul style="list-style-type: none"> • Accountability for decision making detailed within the Constitution • Reporting regularly on performance and use of resources. • Requirement for managers to produce annual assurance statements which feeds into the Annual Governance Statement • Processes to ensure internal and external audit recommendations are acted upon |
| <ul style="list-style-type: none"> • An active Corporate Governance Group which takes charge of the Annual Governance Statement. | | | | | | |