

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 12 JUNE 2023.

Present – Councillors Damian Doran-Timson (Chair), Lynda Kenna, Danny Logue and Pauline Orr; and Ann Pike (Lay Member)

Absent – Harry Cartmill

In attendance - Graham Hope, Chief Executive; Donald Forrest, Head of Finance and Property Services; Lesley Henderson, Head of Corporate Services; Jim Jack Head of Operational Services; Jo MacPherson, Head of Social Policy; Craig McCorriston, Head of Planning, Economic Development and Regeneration, Greg Welsh, Head of Education (Primary, Early Years and Resources); Julie Whitelaw Head of Housing, Customer and Building Services; James Millar, Governance Manager; Kenneth Ribbons, Audit, Risk and Counter Fraud Manager; Robin Allen, Senior Manager (Adults, Social Policy); Ian Forrest, IT Services Manager; Kim Hardie, Health and Safety Manager; Sarah Kelly, Housing Need Service Manager and Joe Murray, Project and Systems Manager

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. ORDER OF BUSINESS

The Chair ruled, in terms of Standing Order 11, that agenda item 8 (Internal Audit Annual Report) would be considered as the first substantive item of business, after agenda item 4 (Minutes).

The Chair confirmed that he wished all items of business to be presented for scrutiny, questions and comments, including those items which were for information only.

3. MINUTES

The committee confirmed the minutes of its meeting held on Monday 6 March 2023 as a correct record. The minute was thereafter signed by the Chair.

4. INTERNAL AUDIT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing of their conclusion on the council's framework of governance, risk management and control.

The Administration of Medication audit was highlighted with officers,

regarding the finding that in the last year, only 43 schools (50%) had completed the annual medication self-assessment. The committee were assured that there were no faults or concerns with administering medication but rather that there were procedural issues concerning internal policy and procedure expectations. However, there had been a review of timescales which would lead to quicker monitoring of any schools not undertaking procedural elements of the policy and procedure.

It was recommended that the committee note the conclusion that the council's framework of governance, risk management and control was sound.

Decision

To note the contents of the report.

5. CORPORATE GOVERNANCE 2022/23 - ANNUAL GOVERNANCE STATEMENT

The committee considered a report (copies of which had been circulated) by the Governance Manager presenting the draft annual governance statement for approval.

In response to a question relating to Information Security Guidance and the increase of zero breaches in 2021-22 compared to 60 in 2022-23, officers explained that this was a result of reclassification with breaches previously included in the cyber incidents category. The change in classification also resulted in the cyber incidents category reducing from 57 incidents in 2021-22 to 3 in 2022-23.

With regards to section 8.7 of the report, it was asked if there had been any impact on the Council of not meeting the statutory deadline for implementing a Short Term Lets Scheme. Officers confirmed there had been no penalty for not meeting the October 2022 deadline.

It was recommended that the committee:-

1. consider and note the information in the annual compliance statements, Local Code of Corporate Governance and progress on governance issues, in Appendices 2, 3 and 4 respectively;
2. note the conclusion and assurance that the council's corporate governance standards had been substantially met in 2022/23;
3. approve the annual governance statement in Appendix 1 which would form part of the council's accounts;
4. authorise officers to update the statement where appropriate to reflect changes in circumstances prior to its approval for signature in September 2023; and
5. note that the table in Appendix 4 would be updated to reflect this meeting and to incorporate the new issues identified for 2023/24,

with progress reported to committee at its meeting in December 2023.

Decision

To approve the contents of the report.

6. HIGH RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the council's high risks.

Risk WLC019 (Failure to deliver the financial plan 2023/24 to 2025/26) was discussed with an explanation sought on the reference to deficient project management, noted within the risks narrative, with further information also requested on both uncommitted reserves and extra Private Finance Initiative (PFI) income. The committee were informed the Council's numerous approved savings proposals required effective management, and it was appropriate to include the risk that should projects not be delivered, savings would not be achieved. Moving on to the financial elements of the query, the Head of Finance and Property Services advised that the uncommitted reserves were subject to a specific appendix in the revenue budget report and certain recommendations, on an annual basis, with the use of PFI funds fully utilised on revenue budget challenges and issues with the St Kentigern's Academy roof.

Responding to a question on how the Council compared to other authorities for risk HCBS012 (Breach of statutory homeless duty), officers confirmed it was similar to the five other densely populated authorities within the Central belt.

Risk APS005 (Failure to achieve the child poverty outcome of the Anti-Poverty Strategy) noted an interim target of 18% to reduce relative child poverty for 2023/24, and it was queried if the authority were on track to achieve this. Although the 2021-22 figures had yet to be received, they would likely show an increase, with the expectation that the child payment would reduce the figures for 2022-23. It was too early to confirm if the target would be achieved, however, it was recognised to be challenging considering current external challenges.

In response to a question for risk EH006 (Food safety and public health impacts of food supply chain disruption) regarding a trade deal with Australia, allowing the import of cattle injected with hormones which were banned in Scotland and the European Unions (EU), the committee were assured that any food import standards set for food imports would be applied as required by the regulatory framework.

Having moved to risk SPCC001 (Insufficient availability of beds to meet service demands - care homes), it was asked if the effect of the proposed privatisation of West Lothian Council care homes was factored into the risk. Officers explained that there were close links for both internal

provision and external providers to understand any challenges, with reviews undertaken monthly as well as a daily review of arrangements and activity. Associated future savings measures would not change the review, monitoring or action of those controls detailed.

It was noted that for risk HCBS004 (Overspend of allocated Housing Need budgets) there was an allocation of a 65% average of social rented lets to homeless applicants requiring permanent accommodation until 2024, and it was queried how this affected those already on the list for social housing. Members were assured that there was a careful balance with reviews undertaken where there was a spike in demand.

In respect of risk SPCC002 (Insufficient supply to meet service demands - care at home), it was asked if there was any update on the programme of analysis to attract people into caring roles. With regard to care at-home provision, there was recent improvement, reflecting stability within the staffing group providing care, particularly in relation to a sponsorship scheme and developing additional capacity within the community.

Returning to HCBS012 (Breach of statutory homeless duty), the effect on the council housing budget was discussed, particularly regarding the low turnover of housing stock, the change to where people could declare themselves homeless and a drift from the West Coast to the East Coast. Throughput was advised to be a key driver for the low turnover of housing, with high tenancy sustainment throughout the authority. In addition, issues hiring trades to turn around void properties and the associated rising costs of goods and services were contributing factors.

The discussion concluded with officers asked why waiting list numbers would continue to rise when many houses were being built, and the committee informed that migration from private sector tenants contributed to the increase due to tenants losing confidence in private landlords and leaving the private landlord sector market.

It was recommended that the committee:-

1. note the council's high risks; and
2. provide feedback to officers on the risks, controls and mitigating actions.

Decision

To note the contents of the report.

7. MANAGEMENT OF HEALTH AND SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services presenting at their request a standing report providing information on Health and Safety incidents reported across all service areas. The report also contained annual incident statistics and a breakdown of violence and aggression incidents reported

within Education.

During the report's presentation, the committee were informed that the statistical information end date, noted in the final paragraph of section D2, was inaccurate, the correct date being 31 March 2023.

The increase in the number of incidents reported over the same period, for both Armadale Academy and Inveralmond Community High School, was discussed with the Head of Education (Primary, Early Years and Resources) explaining the increases had been investigated and found to be predominately verbal, occurring when there was a new intake and year group change. Discussion around conduct, relationships and interaction with staff and peers had led to a more settled period. It was mindful to note that, due to the numbers of staff and pupils involved, the percentage increase could be broken down to only one or two incidents.

Having noted a closed employer's liability insurance payment dated from 2017/18, it was asked if there were other cases dating back as far as this. The Governance Manager explained that it was not an unusual length of time to settle a claim in instances where there may be contested liability and the extent of injuries or damages required assessment.

It was recommended that the committee note the contents of the report.

Decision

1. To note the contents of the report; and
2. To note that the statistical information end date, noted in the final paragraph of section D2, should read 31 March 2023.

8. RISK MANAGEMENT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the risk management annual report for 2022/23.

It was recommended that the committee note the progress made on risk management and business continuity planning during 2022/23.

Decision

To note the contents of the report.

9. INFORMATION GOVERNANCE

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the information governance arrangements that were in place in the council to ensure a robust and consistent approach to the management of information.

Risks WLC007 (Failure of information governance) and WLC016 (Breach of freedom of information / environmental information legislation) were discussed with officers expanding on the controls and procedures in place, explaining that there was; monthly reporting, regular reports to the Governance and Risk Board and a weekly review of cases with services also regularly monitoring individual service area performance. A robust structure and strong educational programme were in place to identify and address potential performance failures.

The content and timeline for the Information Governance Policy and supporting documentation review, taking place during 2023, were sought. With regard to the content, the current approaches regarding aspects to enhance the guidance and roles within the policy would be reviewed and redefined. It was considered that, given the changing external information governance environment and other factors, the policy should be reviewed regularly, although there would be no fundamental change. The review was due to be completed within quarter three of 2023.

It was recommended that the committee note the Council's information governance arrangements.

Decision

To note the contents of the report.

10. COMMITTEE SELF-ASSESSMENT FEEDBACK 2022/23

The committee considered a report (copies of which had been circulated) by the Governance Manager informing of the results of the committee's self-assessment exercise.

It was recommended that the committee note the results of the self-assessment questionnaire completed by members, to identify any areas of concern, and to recommend appropriate actions to address them.

Decision

To note the contents of the report.

11. WORKPLAN

A copy of the workplan had been circulated for information.

The committee members were reminded by the Chair to contact himself or the Lead Officer should they wish any items to be considered for inclusion on the workplan.

Decision

To note the workplan.

