

Report Title:	Annual Governance Statement (2020/21) and Action Plan 2021/22 Progress
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	<b>Councillor Johnson, Leader of The Royal Borough of Windsor and Maidenhead</b>
Meeting and Date:	Audit and Governance Committee 170222
Responsible Officer(s):	<b>Emma Duncan Monitoring Officer and Deputy Director of Law and Strategy</b>
Wards affected:	All

## REPORT SUMMARY

This report presents the progress made on the Action Plan attached to the 2020/21 Annual Governance Statement (AGS), including the AGS Action Plan for the current year.

It recommends that the Committee considers the content and notes the actions already taken and those planned.

## 0. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That the Audit and Governance Committee notes the report identifying any specific matters which should be brought to the attention of Council or Cabinet.

## 1. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Options

**Table 1: Options arising from this report**

Option	Comments
The Committee notes the report identifying any specific matters which should be brought to the attention of Council or Cabinet	The recommendation is being made to ensure that the council meets its statutory requirements and those of the Committee's Terms of Reference to be satisfied that the council has in place appropriate corporate governance systems and controls

## 2. CONTEXT

2.1 The Council adopted a new Corporate Plan 2021-2026 ("Building a sustainable borough of opportunity and innovation) in November 2021. This established a number of priorities including "A Council trusted to deliver".

2.2 A strong Governance Framework is part of meeting this objective.

2.3 The Annual Governance Statement (AGS) 2020-21 (and Action Plan) was previously reported to the Committee on 29<sup>th</sup> July 2021. This report presents progress on the Action Plan.

2.4 As part of the Council's improvement journey the Council's key governance statutory officers (Head of Paid Service, S151 Officer, Monitoring Officer, and deputies) meet as the Statutory Governance Officer Group to discuss governance related issues and lead on the preparation of the AGS and Action Plan, which they monitor during the year.

2.5 As part of preparing the AGS a review has been undertaken against the Centre for Governance and Scrutiny's "Governance Risk and Resilience Framework" which aligns with the CIPFA Code which underpins the AGS.

2.6 The outcomes from this, together with other issues from the AGS 19/20, issues identified from the Monitoring Officer report, issues raised through external and internal audit, complaints or other routes form the basis for the AGS and Action Plan.

2.7 Where issues have been identified "in year" these have been added to the Action Plan.

2.8 Key areas for focus this year were grouped thematically around the good governance principles and allowed for a managed process of improvement.

### 2.9 Key areas;

- A continued focus on ethical values, integrity and respecting the rule of law to include continuing work on the new Code of Conduct, workshop sessions for Members on the wider governance framework, a review of the Member/Officer Protocol and revisiting our procurement processes.
- Strengthening the strategic framework with a new outcomes based Corporate Plan emanating from a robust evidence base and consultation and engagement with our residents and communities, with enhanced reporting and tracking capability.
- Managing risks and performance more effectively with a review of our risk assessment framework, a new performance management system and implementing the Property Company Governance Action Plan.

- Reinforcing our Overview and Scrutiny function to give better oversight on key strategic priorities.
- Building up the Council's links with residents, communities, and businesses through a new approach to engagement to deliver better outcomes

2.10 The Action Plan appears as Appendix B to the report which identifies progress to date.

2.11 Following receipt of the Corporate Peer Challenge report the Action Plan will be reviewed and updated for the 2021/22 AGS and Action Plan.

### 3. KEY IMPLICATIONS

Outcome	Unmet	Met	Exceeded	Exceeded Significantly	Date of delivery
The council has a process in place to meet the core principles of good governance supporting good performance and outcomes for service users / residents.	Poor service performance and outcomes for service users / residents	Good service performance and outcomes for service users / residents.	n/a	n/a	ongoing
Residents will have assurances that the principles of good governance are incorporated into the council's normal business processes, providing them with confidence in the decision-making and management processes and in the conduct and professionalism of its Members, officers, partners, and other agents in delivering services.	Loss of residents' confidence. Council reputation may be affected.	Residents' confidence in place. Council reputation protected.	n/a	n/a	ongoing

#### 4. FINANCIAL DETAILS / VALUE FOR MONEY

There are no financial implications directly arising from the report, however good governance clearly helps RBWM (Royal Borough of Windsor and Maidenhead) manage its resources effectively

#### 5. LEGAL IMPLICATIONS

None arise directly because of the report, however good governance clearly helps RBWM (Royal Borough of Windsor and Maidenhead) meet its legal obligations to its residents and service users protects the Council from legal challenge. More importantly good governance is the cornerstone of building trust between RBWM and the people that it serves.

#### 6. RISK MANAGEMENT

**Table 2: Impact of risk and mitigation**

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of controlled risk</b>
Poor Governance/legal challenge/council not meeting its objectives	High	Those identified as part of the Code of Corporate Governance	Medium

#### 7. POTENTIAL IMPACTS

Equalities. An Equality Impact Assessments is attached as appendix A. Also all Equalities Impact Assessments are published on the [council's website](#). No issues have been identified from this report.

Climate change/sustainability. None

Data Protection/GDPR. None

#### 8. CONSULTATION

Consultation on this report has been by the Statutory Governance Officer Group

## 9. TIMETABLE FOR IMPLEMENTATION

Timescales for implementation are contained in the Action Plan.

## 10. APPENDICES

This report is supported by two appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Action Plan

## 11. BACKGROUND DOCUMENTS

This report is supported by 4 background documents:

- AGS Report 29 July 2021 Audit and Governance Committee
- CIPFA “Delivering Good Governance” 2016
- CfGS (Centre for Governance and Scrutiny) “Governance Risk and Resilience Framework” 2021.
- Guidance - CIPFA Bulletin 06 Application of the Good Governance Framework 2020/21.

## 12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	020222	04/02/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	Report Author	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	020222	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	020222	030222
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	020222	07/12/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager	Information only	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			

Duncan Sharkey	Chief Executive	020222	03/02/22
Andrew Durrant	Executive Director of Place	Information only	
Kevin McDaniel	Executive Director of Children's Services	Information only	
Hilary Hall	Executive Director of Adults, Health and Housing	Information only	
<i>Heads of Service (where relevant)</i>			
	Head of .....		
	Head of .....		
	Head of .....		
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Leader of the Council	Yes
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## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
For information	No	No

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# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Annual Governance Report Action Plan

#### Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
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Responsible officer	Emma Duncan	Service area	Governance/Law	Directorate	Governance, Law, Strategy
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Stage 1: EqlA Screening (mandatory)	Date created: 090222	Stage 2 : Full assessment (if applicable)	Date created : n/a
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

*"I am satisfied that an equality impact has been undertaken adequately."*

Signed by (print): Emma Duncan

Dated:090222

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Annual Governance Report Action Plan

#### Guidance notes

##### What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

##### What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

##### What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

##### Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

##### Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.



**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**  
**EQUALITY IMPACT ASSESSMENT**

**EqlA : Annual Governance Report Action Plan**

**Stage 1 : Screening (Mandatory)**

**1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?**

The report relates to progress on the Annual Governance Statement Action Plan. This is a compliance issue and will not have any impact in terms of the Equality Duty.

**1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.**

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Annual Governance Report Action Plan**

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Annual Governance Report Action Plan

Protected characteristics	Relevance	Level	Positive/negative	Evidence
<b>Age</b>	n/a			Key data: The estimated median age of the local population is 42.6yrs [Source: <a href="#">ONS mid-year estimates 2020</a> ]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020, taken from <a href="#">Berkshire Observatory</a> ]
<b>Disability</b>	n/a			
<b>Gender re-assignment</b>	n/a			
<b>Marriage/civil partnership</b>	n/a			
<b>Pregnancy and maternity</b>	n/a			
<b>Race</b>	n/a			Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from <a href="#">Berkshire Observatory</a> ]
<b>Religion and belief</b>	n/a			Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from <a href="#">Berkshire Observatory</a> ]
<b>Sex</b>	n/a			Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020, taken from <a href="#">Berkshire Observatory</a> ]
<b>Sexual orientation</b>	n/a			

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Annual Governance Report Action Plan**

**Outcome, action and public reporting**

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**  
**EQUALITY IMPACT ASSESSMENT**

**EqlA : Annual Governance Report Action Plan**

**Stage 2 : Full assessment**

**2.1 : Scope and define**

**2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.**

**2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? *List those groups who the work is targeting/aimed at.***

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**  
**EQUALITY IMPACT ASSESSMENT**

**EqlA : Annual Governance Report Action Plan**

**2.2 : Information gathering/evidence**

**2.2.1 What secondary data have you used in this assessment?** *Common sources of secondary data include: censuses, organisational records.*

**2.2.2 What primary data have you used to inform this assessment?** *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

**Eliminate discrimination, harassment, victimisation**

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Annual Governance Report Action Plan

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

**Advance equality of opportunity**

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqlA : Annual Governance Report Action Plan

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					



# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqIA : Annual Governance Report Action Plan

#### Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

#### 2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

*These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.*

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**EQUALITY IMPACT ASSESSMENT**

**EqlA : Annual Governance Report Action Plan**

## APPENDIX 2: AGS Action Plan February 2022 Update

Subject	Action (s)	Responsible Officer	Target completion date	Progress
<b>A. Behaving with integrity, demonstrating a strong commitment to ethical values, and respecting the rule of law.</b>	1. Member training on the new Code of Conduct.	Deputy Director of Governance, Law and Strategy/Monitoring Officer (A1,2 &3)	July 2021 (A1)	<b>COMPLETE All Members have attended training</b>
	2. Development of an Overview and Scrutiny Development Plan based on the CfGS resilience framework to include work with the Audit and Governance Committee, Corporate Overview and Scrutiny Panel and Member Standards Panel.		October 2021 (A2)	<b>COMPLETE:</b> Action Plan developed following workshops with officers and survey responses from Members. This will be reviewed and adapted following the receipt of the Corporate Peer Challenge report.
	3. Review of Member/Officer Protocol		October 2021 (A3)	<b>IN PROGRESS:</b> Postponed pending completion of Member/Officer survey undertaken in November 2021 and outcome of Corporate Peer Challenge.
	4. Launch of Procurement Toolkit	Head of Law (A4)		

			October 2021 (A4)	<b>IN PROGRESS:</b> Training is being arranged on the Procurement Toolkit in readiness for its launch at end of February 2022
<b>B. Ensuring openness and comprehensive stakeholder engagement</b>	<ol style="list-style-type: none"> <li>1. Embedding of the new consultation framework</li> <li>2. Adoption of a new Engagement Strategy</li> </ol>	Deputy Director of Governance, Law and Strategy/Monitoring Officer (B1&2)	September 2021 (B1&2)	<p><b>COMPLETE:</b> Basic consultation is embedded and the next stage is to move to more meaningful forms of engagement in policy development.</p> <p><b>IN PROGRESS:</b> The Engagement Strategy is a key part of the Corporate Plan and will be informed by feedback from the Corporate Peer Challenge.</p>
<b>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.</b>	<ol style="list-style-type: none"> <li>1. Adoption of new corporate plan based on OGS model</li> <li>2. Implement InPhase system</li> </ol>	Deputy Director of Governance, Law and Strategy/Monitoring Officer (C1&2)	Nov 2021 (C1/C2)	<p><b>COMPLETE</b></p> <p><b>COMPLETE:</b> The initial phase implementation will result in the Citizens Portal being launched in April giving access publicly to performance information.</p>
<b>D. Determining the interventions necessary to optimise the achievement of the intended outcomes.</b>	<ol style="list-style-type: none"> <li>1. Adoption of new corporate plan</li> <li>2. Adoption of a new performance management framework</li> </ol>	Deputy Director of Governance, Law and Strategy/Monitoring Officer (D1&2)	Nov 2021 (D1/D2)	<p><b>COMPLETE</b></p> <p><b>COMPLETE:</b> New Performance Framework has been adopted and is currently being populated with key measures.</p>

E. Developing the entity's capacity, including the capability of its leadership and the individuals within it.	1. Adoption of People strategy	Head of HR, Corporate Projects and IT (E1&2)	Nov 2021 (E1&2)	<b>COMPLETE</b>
	2. Consideration of leadership development for all officers in a leadership role			<b>COMPLETE:</b> Leadership Development Programme have been designed and will be implemented throughout 2022.
	3. Development of an Overview and Scrutiny Development Plan based of the CfGS resilience framework to include work with the Audit and Governance Committee, Corporate Overview and Scrutiny Panel and Member Standards Panel.	Head of Governance (E3&4)	Oct 2021 (E3&4)	<b>COMPLETE:</b> Action Plan developed following workshops with officers and survey responses from Members. This will be reviewed and adapted following the receipt of the Corporate Peer Challenge report.
	4. Production of Scrutiny Handbook	Scrutiny Officer (E4)		<b>IN PROGRESS:</b> Initial draft is complete.
F. Managing risks and performance through robust internal control and	1. Development of a new performance management framework	Deputy Director of Governance, Law and Strategy/Monitoring Officer (F1)	Nov 2021 (F1)	<b>COMPLETE:</b> New Performance Management Framework has been approved and is in the process of being embedded.

strong public financial management.	<p>2. Review of Risk Management</p> <p>3. Council's Governance of the Property Company Action Plan</p>	<p>Head of Finance (F2)</p> <p>Deputy Director (F3)</p>	<p>Feb 2022(F2)</p> <p>April 2022 (F3)</p>	<p><b>IN PROGRESS:</b> Review is currently underway.</p> <p><b>IN PROGRESS:</b> Corporate O&amp;S oversee the action plan.</p>
G. Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.	<p>1. Further training for O&amp;S panels on questioning techniques and scrutiny work</p> <p>2. CfGS resilience framework workshops for Audit and Governance Committee, Corporate Overview and Scrutiny Panel and Member Standards Panel in workshop format.</p>	<p>Head of Governance (G1)</p> <p>Deputy Director of Governance, Law and Strategy/Monitoring Officer (G2)</p>	<p>Oct 2021 (G1)</p> <p>Nov 2021 (G2)</p>	<p><b>IN PROGRESS:</b> This element will be delayed until the feedback and recommendations from the CPC can be implemented. In the interim, Panel Members have been provided with support and guidance to undertake scrutiny challenge sessions</p> <p><b>NOT COMPLETE:</b> A survey of Members and Officers based on the CFGS framework was completed as a substitute action.</p>