

Report Title:	Annual Governance Statement Action Plan Progress
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Johnson, Leader of The Royal Borough of Windsor and Maidenhead
Meeting and Date:	Audit and Governance Committee 20 October 2022
Responsible Officer(s):	Emma Duncan Director of Law, Strategy and Public Health and Monitoring Officer
Wards affected:	All

REPORT SUMMARY

This report presents the progress made on the Annual Governance Statement (AGS), including the AGS Action Plan for 2022/23.

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) and Action Plan for 2022-23 was previously reported to the Committee on 28th July 2022. 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 21/22, issues identified through the Corporate Peer Challenge, 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 of focus;

The Action Plan focusses on a number of key areas based on a risk assessment approach to the governance framework by the Statutory Officers;

- A continued focus on ethical values, integrity and respecting the rule of law to include a review of the assessment processes and an ethical focus to the Members’ Induction.
- Embedding the strategic framework with a refresh of the Corporate Plan using new data and intelligence and continuing to embed the performance management system through performance reporting and a new service planning approach.
- Managing risks more effectively with an audit review of our risk assessment framework.

- Reinforcing our Overview and Scrutiny function to give better oversight on key strategic priorities through engagement, training and further resource in the form of a dedicated Scrutiny Officer, which was identified by the Peer Review.
- Building up the Council's links with residents, communities, and businesses through a new approach to engagement to deliver better outcomes.
- A focus on procurement and contract management through an audit approach.

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

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

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
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. 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 Officers 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 5 background documents:

- AGS Report 28 July 2022 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.
- LGA Corporate Peer Challenge Report and recommendations.

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		AV signed off
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	Report Author	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	11/10/22	12/10/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	11/10/22	11/10/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	11/10/22	11/10/22
<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>			
Tony Reeves	Interim Chief Executive	Information only	
Andrew Durrant	Executive Director of Place	Information only	
Kevin McDaniel	Executive Director of People	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

Decision type:	Urgency item?	To follow item?
For information	No	No

Report Author: Emma Duncan, Deputy Director of Law and Strategy
emma.duncan@rbwm.gov.uk

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Annual Governance Report Action Plan

Essential information AGS Action Plan Progress Report

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: EqIA Screening (mandatory)	Date created: 12/10/22	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:100722

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Annual Governance Report Action Plan

Guidance notes

What is an EqIA 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.

EqIAs 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 EqIA 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 EqIA?

The process for conducting an EqIA 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

EqIA : 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 the Annual Governance Statement. This is a governance and process issue.

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

EqIA : Annual Governance Report Action Plan

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	n/a			<i>Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020]. 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 Berkshire Observatory]</i>
Disability	n/a			
Gender re-assignment	n/a			
Marriage/civil partnership	n/a			
Pregnancy and maternity	n/a			
Race	n/a			<i>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 Berkshire Observatory]</i>
Religion and belief	n/a			<i>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 Berkshire Observatory]</i>
Sex	n/a			<i>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 Berkshire Observatory]</i>
Sexual orientation	n/a			

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : 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

EqIA : 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

EqIA : 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.*

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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.*

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Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : 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

EqIA : 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
EqIA : Annual Governance Report Action Plan

Appendix B

Progress on AGS Action Plan for 2022/23

Subject	Action (s)	Responsible Officer	Target completion date	Progress
A. Behaving with integrity, demonstrating a strong commitment to ethical values, and respecting the rule of law.	Training of the O&S Panels with LGA and CfGS.	Director of Law Strategy and Public Health/Monitoring Officer (A1,2)	October 2022 (A1)	Chairman and Senior Officer sessions have been held. All Member sessions due to be held on 19 September 2022 are in the process of being rearranged.
	Review of Code of Conduct Assessment Processes		May 2023 (A2)	This action is due to be completed later in the year.
	Launch of Procurement Toolkit	Head of Law (A4)	October 2022 (A3)	The toolkit elements are now available on sharepoint for officers and education and training will be delivered initially through Corporate Leadership Team. Docusign (an electronic signing application) has now been implemented and the procedures have been updated accordingly.
B. Ensuring openness and comprehensive stakeholder engagement	Adoption of a new Engagement Approach	Director of Law Strategy and Public Health/Monitoring Officer (B1)	May 2023 (B1)	A new Equalities and Community Engagement Officer was appointed at the end of May 2022. A new Engagement Approach is being developed, to strengthen the council's engagement with both its communities and its partners – including statutory partners, parishes and the voluntary and community sector.

<p>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.</p>	<p>Embedding new Performance Management Framework.</p>	<p>Director of Law Strategy and Public Health/Monitoring Officer (C1&2)</p>	<p>May 2023 (C1)</p>	<p>The new Performance Management system has been implemented through the Scrutiny Committee model together with the Performance and Risk Management Board. Performance Management Handbook has been launched together with a service plan template.</p>
<p>D. Determining the interventions necessary to optimise the achievement of the intended outcomes.</p>	<p>Embedding new Performance Management Framework.</p>	<p>Director of Law Strategy and Public Health/Monitoring Officer /Monitoring Officer (D1)</p>	<p>May 2023 (D1)</p>	<p>The Performance Management Handbook has been launched together with a service plan template.</p>
<p>E. Developing the entity's capacity, including the capability of its leadership and the individuals within it.</p>	<p>Further development of the Scrutiny function with Members.</p> <p>Roll out of the Leadership Programme</p> <p>Member Induction Programme</p>	<p>Head of Governance (E1)</p> <p>Head of HR, Corporate Projects and IT (E2)</p> <p>Head of Governance (E3)</p>	<p>Oct 2022 (E1)</p> <p>May 2023 (E2)</p> <p>May 2023 (E3)</p>	<p>Training is in progress with sessions due to be delivered having been rearranged following the recent Bank Holiday.</p> <p>The Scrutiny Officer role recommended by the Peer Review is within the growth bids for the 23/24 budget.</p> <p>The Panels have been restructured in line with the Peer Review recommendations.</p> <p>The programme has been piloted and the future rollout of the programme is subject to a growth bid in the 23/24 budget.</p> <p>The Member Induction Officer Working Group has met with Group Leaders to discuss the</p>

				content and timing of the programme and officers are working up a draft programme to reflect that feedback for discussion with Members. The funding for the programme is subject to a growth bid in the 23/24 budget.
F. Managing risks and performance through robust internal control and strong public financial management.	Embedding new Performance Management Framework.	Director of Law Strategy and Public Health/Monitoring Officer (F1)	May 2023 (F1)	The new Performance Management system has been implemented through the Scrutiny Committee model together with the Performance and Risk Management Board. Performance Management Handbook has been launched together with a service plan template.
	Review of Risk Management	Head of Finance (F2)	Feb 2023(F2)	An audit of Risk Management has been undertaken that has resulted in a number of recommendations. These will be monitored through the Internal Audit Plan, approved by Audit and Governance Committee in September 2022
	Council's Governance of the Property Company Action Plan	Executive Director (Resources) (F3)	April 2023 (F3)	The Property Company Governance Action Plan is nearly complete and the Statutory Officer Group are considering a review of governance arrangements for AfC and Optalis.
	Review of procurement and contract management	Director of Law Strategy and Public Health/Monitoring Officer (F4)	May 2023 (F4)	An audit is currently being undertaken in respect of this and recommendations will be monitored through

		oring Officer (F4)		the internal audit plan and the Statutory Officer Group.
G. Implementing good practices in transparency, reporting, and audit, to deliver effective accountability	Further development of the Scrutiny function with Members.	Head of Governance (G1)	Oct 2022 (G1)	Training is in progress with sessions due to be delivered having been rearranged following the recent Bank Holiday.