

**CORPORATE AFFAIRS AND AUDIT COMMITTEE**

A meeting of the Corporate Affairs and Audit Committee was held on Thursday 29 April 2021.

**PRESENT:** Councillors , B Hubbard (Vice-Chair), B Cooper, T Higgins, J Hobson, T Mawston and D Rooney

**ALSO IN ATTENDANCE:** C Hobson, Executive Member for Finance and Governance

**OFFICERS:** C Benjamin, M Brearley, N Finnegan, P Jeffrey, S Lightwing, C Lunn, M Rutter, P Stephens, J Weston, A Wilson and I Wright

**APOLOGIES FOR ABSENCE:** Councillor C Wright

20/56 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor Cooper	Non pecuniary	Agenda Item 6 - Member of Teesside Pension Fund
Councillor Higgins	Non pecuniary	Agenda Item 6 – Member of Teesside Pension Fund
Councillor C Hobson	Non pecuniary	Agenda Item 6 - Member of Teesside Pension Fund
Councillor Hubbard	Non pecuniary	Agenda Item 6 - Member of Teesside Pension Fund
Councillor Rooney	Non pecuniary	Agenda Item 6 - Member of Teesside Pension Fund

20/57 **MINUTES - CORPORATE AFFAIRS AND AUDIT COMMITTEE - 4 MARCH 2021**

The minutes of the Corporate Affairs and Audit Committee meeting held on 4 March 2021 were submitted and approved as a correct record, subject to the following amendment:

Minute No 20/60 paragraph 3, final sentence added:

The Auditor clarified that the £0.6 million lease costs related to Middlesbrough Council and not the Teesside Pension Fund.

**NOTED**

20/58 **SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS**

**ORDERED** that, in accordance with Council Procedure Rule No 5, the Committee agreed to vary the order of business to deal with the items in the following order: Agenda Item 5, Agenda Item 4, Agenda Item 6, Agenda Item 7 and Agenda Item 8.

20/59 **ANNUAL REPORT OF THE SENIOR INFORMATION RISK OWNER (SIRO)**

The Annual Report of the Senior Information Risk Owner (SIRO) was presented by the Head of Strategy, Information and Governance for Members to note the position in respect of information risk set out in the report, and propose any further steps that might be taken to promote good practice in information governance within the Council.

The report provided assurance to the Committee that information governance (IG) policy and practice within the Council was in line with legal obligations, and consistent with the principles of good governance.

The last annual report to the Committee (6 February 2020) set out six key priorities to reduce

information risk for the 2020 calendar year and beyond. Shortly after this, the UK was locked down in response to the COVID-19 pandemic, and at the time of writing significant restrictions remain in place. As with all business areas, these restrictions resulted in delays to planned activity, as relevant employees were either re-directed to emergency response or otherwise unable to progress work, for example, due to the unavailability of the workplace. Therefore, work on these, and other priorities identified during 2020 and set out within the report, would be completed during 2021. Nevertheless, good progress was made in the following areas during the year, as detailed in the submitted report:

- Many of the actions from the 2019 ICO Consensual Data Protection Audit had been implemented or were in the process of being implemented. The ICO undertook a follow-up audit in December 2019 and its report was attached at Appendix 1 to the submitted report.
- A key priority from the audit was to address procedural and resourcing issues around statutory information requests, notably Subject Access Requests. While some progress was made on this during the year a significant backlog remained. However, plans were in place to address this issue and there could be some confidence that issue would be resolved this year.
- Another key priority was improving control over physical access to buildings to mitigate data breach or loss through unauthorised access. COVID-19 affected this risk in two ways: significantly restricting access to buildings and requiring the Council to clear all paper from office spaces with over one million pieces of paper being removed from the Civic Campus during the year.
- Revised physical access arrangements would be put in place for re-occupation and communicated in the re-induction employees would undertake prior to returning in September.
- This method would also be used to communicate the revised information governance framework.
- The Council was in the process of moving to Microsoft 365 which would provide the opportunity to put in place appropriate controls and retention of email.
- An internal audit of the Council's CCTV arrangements was underway, which would inform the Council's plan to implement a single approach across all schemes.

Other areas covered in the submitted report included:

- Progress on the Information Strategy, including the policy register and those updated during the year.
- Changes to information asset registers in the year, which were minimal. A data quality audit within Children's Services during the year yielded substantial assurance in line with ongoing improvements in that Directorate.
- A significant amount of data sharing took place during the year as part of the pandemic response, together with a significant amount of data analysis. This should build confidence in both disciplines going forward.
- Information security, principally cyber security and the cyber-attack on Redcar and Cleveland Borough Council and Middlesbrough Council's positive response.
- The significant escalation in global cyber security risk during 2020 due to SolarWinds and other attacks and the actions the Council was taking to address this increased risk, while dealing with the significant impact of COVID-19 on ICT, which was handled very well.
- Significant improvements were made to the Council's mail and print operation during the year, with controls around printing implemented and a 'mail from desktop' solution now in place.
- Protection matters, including the impact of exiting the EU and data protection incidents during the year.

- Incidents increased overall, particularly disclosures in error, some of which was likely attributable to additional and new work associated with the pandemic response. However, the severity of incidents dropped, with no incidents reported to the ICO in year.
- Statutory information requests showed significant growth in the year, but driven by CCTV disclosure, rather than by FOI/EIR as in previous years. The volume of FOI/EIR requests and the timeliness of responses fell due to the pandemic and steps would be taken to recover performance this year.
- The Council launched an Open Data site in the year to pre-empt data-based requests. This now had 1,000+ datasets on it and was regularly refreshed.
- The Council continued to receive a number of complex and interrelated requests related to major projects and associated political decisions. Some requests also sought information for which Members themselves were the data controller and steps would be taken this year to provide Members with additional guidance and training on these issues.
- Surveillance, particularly RIPA powers, were not used during the year. The Council was subject to a desktop inspection from the IPCO, the outcome from which was attached at Appendix 2 of the submitted report.
- A comprehensive surveillance policy covering CCTV, RIPA, non-RIPA covert surveillance and employee surveillance would be developed this year and from next year, surveillance would be the subject of a separate annual report.
- Considering all of this, the Council's information risk register had been updated and was attached at Appendix 3 to the submitted report.

In overall terms, the Council's risk profile was broadly stable, but the Council needed to maintain vigilance in relation to cyber security, as well completing activity to permanently mitigate risks relating to breach of data rights and unauthorised access, and compliance with surveillance law.

Key priorities for 2021 to address the issues and risks outlined in the report were as follows:

- Continue monthly monitoring of the Council's cyber security *posture* and improvements and undertake a staff phishing exercise.
- Implement the outstanding recommendations from the ICO Consensual Data Protection Audit.
- Launch the Council's revised Information Governance Framework to staff as part of the post-pandemic re-induction process, and enhance Elected Member training on information governance.
- Continue to improve the Council's responsiveness to information requests through the provision of real-time dashboards for senior managers.
- Agree physical security policy and procedures for the Council's office estate, implementing changes for re-induction and advising on design of the Council's new Headquarters (HQ).
- Agree a position in respect of digitising or rehousing the Council's historic papers records as part of the new HQ project.
- Complete and implement the revised Surveillance Policy and actions from forthcoming audit of CCTV.
- Ensure that key ICT projects for 2021, including the migration to Microsoft Office 365, and the review of the Council's website are aligned with the Information Governance Framework and progress the aims of the Council's Information Strategy.

Key messages would continue to be communicated to staff via re-induction, staff training, Information Asset Owners and other means in order to ensure improved information risk management.

Responding the Members' queries in relation to the number of visits to the Open Data Site and outstanding Subject Access Requests, Officers agreed to provide detailed information post-meeting.

The Director of Finance confirmed that Middlesbrough Council had not had any financial

liabilities in respect of the cyber-attack or the response, at Redcar and Cleveland Borough Council.

In relation to the number of staff responding to FOIs it was confirmed that there were two members of staff who triaged requests to the relevant officers.

It was clarified that employees working from home had received advice and guidance in relation to data protection in order to minimise risk. Prior to the Covid-19 pandemic lockdowns, Middlesbrough Council staff were already used to agile working procedures.

**AGREED** as follows:

1. the information provided was received and noted.
2. details of the number of visits to the Open Data site and outstanding Subject Access Requests would be circulated to Committee Members.

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## **UPDATE IN REGARDS TO LEGAL SERVICES PROGRESS IN RESPONSE TO OFSTED INSPECTION OF CHILDREN'S SOCIAL CARE SERVICES**

A report of the Director of Legal and Governance Services was presented to provide the Committee with an update on Legal Services and the response to the Ofsted Inspection of Children's Social Care Services.

The issues in relation to capacity remained, with case numbers continuing to remain at a high level. However, the numbers had decreased, with care cases currently at around 100, compared to 140 in December. At this stage the reason for the decrease was not clear, as there had been a number of contributing factors, including changes to Gateway Panel, a more effective use of the PLO process, and Court increasing their hearings further to the covid issues, meaning more cases had concluded.

In terms of the resources to meet this demand, there had been some changes to the team since the last update. The role of the Principal Legal Executive (People) had been changed to Head of Legal Services (People). The interim postholder applied and was successful in securing the permanent position, bringing some stability to the team.

Two permanent Solicitors had been recruited, although another Solicitor was leaving the Authority. In the interim, this post would be filled by one of the Trainee Solicitors who already had experience of the role and would qualify as a Solicitor later this year.

There was one Legal Assistant vacancy, which was currently being recruited to.

The role of Court Progression Manager (CPM), that would sit within the Legal Services Children's team as the lead officer, to ensure the timely progression of cases in family court proceedings, had also been filled.

Based on the current staffing of 4.6FTE fee earners, plus the trainee Solicitor, the team can effectively manage around 75 active care cases. As the current active care cases were above this, a number of cases were currently outsourced to a local Children's Solicitors firm via the Council's procurement process. Provision had been made for the firm to deal with a maximum of 100 cases over the next 12 months at a cost of approximately £4,000 per case. It was clarified that this figure did not include the costs of disbursements.

A Legal Services review was underway to determine how to resource the service to meet the demands, use resources to the best advantage. The timescale for the completion of the review was July 2021.

Legal Services continued to contribute to the improvement journey for Children's Services in a number of ways, both strategically and operationally.

Monthly audits had been introduced, with feedback continuing via the 1 to 1 sessions between individual team members and the Head of Legal Services, with the objective of achieving a standard and consistent practice across the board.

The Head of Legal Services had been one of the leads in a project undertaken by a subsidiary

of the Local Family Justice Boards, which was tasked at looking at Care Orders at home, as this region was an outlier in terms of the care order at home numbers.

The Public Law Working Group was formed, prior to the COVID-19 pandemic, to investigate the steep rise in public law cases coming to the Family Court and to offer recommendations for improving the system's ability to address the needs of the children and families. The Groups' report, published in March 2021, had clear implications on working practices, both across Children's Care and within legal, with a number of themes highlighted. In response to the report, and to the timescales set, a working group had been established between Legal and Children's services to implement the recommendations.

**AGREED** that the information provided was received and noted.

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## **ANNUAL AUDIT LETTER 2019/2020**

The External Auditor, EY, presented the Annual Audit Letter 2019/2020 following completion of audit procedures for the year ended 31 March 2020. The Auditor was required to produce the Annual Audit Letter under the Code of Practice.

The Audit Results Reports for Middlesbrough Council and the Teesside Pension Fund 2019/2020 had been presented to the last meeting of the Corporate Affairs and Audit Committee and no new information had been added.

**AGREED** that the Annual Audit Letter 2019/2020 was received and noted.

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## **HR ASSURANCE REPORT - HEALTH AND WELLBEING**

The Head of Human Resources presented the annual HR Assurance Report – Health and Wellbeing.

The aim of the report was to provide the Corporate Affairs and Audit Committee with an annual review of the corporate approach to the management of Health and Wellbeing within the Council, as well as details of the actions for the year ahead.

The previous report was postponed in 2020 due to the pandemic and resources were re-allocated to support staff during that difficult period. However, a presentation was provided to Corporate Affairs and Audit Committee in September 2020 to update on actions throughout the pandemic.

The Council currently offered the following health and wellbeing services to employees:

- Employee Assistance Programme – a telephone access service that provided counselling support, legal and financial information, health advice and access to more online resources, as well as the ability to speak in confidence to a third party.
- Face to Face Counselling – accessed via a manager and a completely confidential service currently provided by Alliance Psychological Services. This service was introduced in the second half of the year in response to the pandemic.
- MRI scanning – provided if recommended by GP or Specialist Medical Practitioner and there was undue delay via the NHS. This service was currently provided by Alliance Medical.
- Occupational Health Services - currently delivered by Medacs. The majority of appointments have been provided over the telephone due to the pandemic but face-to-face appointments were available when required.
- Annual Flu Vaccination programme which targeted front-line workers in Adult Social Care and Children's Services.

The planned Health and Wellbeing activities in 2020/21 were significantly disrupted and were adapted to deal with restrictions imposed by the pandemic. These activities included:

- Flu vaccines - 222 council employees were vaccinated and 274 staff from maintained schools.
- 75 trained Mental Health First Aiders continued to support fellow employees and managers offering a listening and signposting service in the workplace.
- One day Mental Health First Aid training had to be suspended and the North East

Better Health At Work 'Maintaining Excellence' assessment deferred.

- Health Champions/Advocates continued to provide support as best they could under the pandemic restrictions. The Council currently had a network of 25 Health Advocates.
- Employee Induction converted to online and the HR team continued to attend (Market Place events) alongside MHFA and Health Advocates/ Champions to share support available with new employees.
- Greater use was made of internal Employee Facebook page to promote services to staff.

In recognition of the impending mental health crisis referred to by health professionals, funding had been secured for a full time HR Business Partner for 12 months. The post would focus specifically on the health and wellbeing of staff, deal with the predicted fallout of mental health issues due to the Covid-19 Pandemic, and develop a longer-term strategy for ongoing support.

The post holder would assess and research potential impacts, working with staff and managers, design/deliver/commission appropriate services working with existing partners, and develop new relationships. Digital opportunities for different types of longer-term support would be explored and a culture of wellbeing in the organisation would be developed, including reviewing the Council's current accreditations. Details of the person specification for the post were shared with the Committee. HR was in the process of shortlisting applicants.

A further report with more detailed actions be presented to the Corporate Affairs and Audit Committee once the new post was appointed to and an assessment of need had been carried out.

It was confirmed that the Heads of HR of the Tees Valley Authorities met as a group and worked collaboratively to share health and well-being learning and other opportunities.

Responding to a question regarding the re-occupation of the Civic Centre, the Head of HR explained that it was likely that there would be a phased approach to bringing staff back and there would be a hybrid working situation. Managers and Employees would contribute their ideas through surveys. There would be a re-induction module and part of that would be a walk-through of the building to show people the sanitising stations, floor markings, and social distancing measures.

**AGREED** that the information provided was received and noted.

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**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED**

The Vice Chair thanked Committee Members and Officers for their contributions over the past year.