

# **Merton Council**

## **Standards and General Purposes Committee Agenda**

### **Membership**

#### **Councillors:**

Peter McCabe (Chair)  
Janice Howard (Vice-Chair)  
Agatha Mary Akyigyina OBE  
Adam Bush  
John Dehaney  
Mary-Jane Jeanes  
Ian Munn BSc, MRTPI(Rtd)  
Gregory Patrick Udeh  
David Williams  
John Bowcott  
Mary Curtin  
Nick Draper

#### **Substitute Members:**

Michael Bull  
Sally Kenny  
Oonagh Moulton

**Date:**      **Thursday 9 November 2017**

**Time:**      **7.15 pm**

**Venue:**    **Committee rooms C, D & E - Merton Civic Centre, London Road,  
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed.  
For more information about the agenda please contact   or telephone .

All Press contacts: [press@merton.gov.uk](mailto:press@merton.gov.uk), 020 8545 3181

# Standards and General Purposes Committee Agenda

## 9 November 2017

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### **Note on declarations of interest**

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give

rise to a perception of bias, they should declare this, .withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

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# Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## STANDARDS AND GENERAL PURPOSES COMMITTEE

7 SEPTEMBER 2017

(7.15 pm - 9.00 pm)

PRESENT: Councillors Councillor Peter McCabe (in the Chair),  
Councillor Janice Howard, Councillor Agatha Mary Akyigyina,  
Councillor Adam Bush, Councillor John Dehaney,  
Councillor Mary-Jane Jeanes, Councillor Ian Munn,  
Councillor Gregory Udeh, Councillor John Bowcott,  
Councillor Mary Curtin and Councillor Nick Draper

Independent Person – Pam Donovan

ALSO PRESENT: Caroline Holland – Director of Corporate Services  
Paul Evans – Assistant Director of Corporate Governance  
Simon Mathers – External Auditor – Ernst Young  
Suresh Patel – External Auditor – Ernst Young  
Roger Kershaw – Interim Assistant Director of Resources  
Steve Bowsher – Chief Accountant  
Dawn Jolley – Head of Commercial Services  
Lisa Jewell – Democratic Services Officer

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Williams and Councillor Martin Whelton.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 29 June 2017 are agreed as an accurate record.

### 4 AUDITED FINAL ACCOUNTS 2016/17 (Agenda Item 4)

The Director of Corporate Services presented the Report on the Audited Accounts 2016/17, and highlighted the additional information in the Supplementary Agenda. She explained that the introduction of the Council's new financial system in February 2017 had delayed the delivery of some information to the External Auditors, with the result that that the External Audit was not yet complete, specifically the Bank Reconciliation, the Working Papers and issues related to school PFIs. Concerns regarding next year's deadline for the close of accounts on 31.7.18 had been discussed with the External Auditors. This year an additional fee had been charged as a result of the extra work. The Director of Corporate Services reported that additional work had been identified as necessary to bring the working papers to the

standard required by the auditors. She assured the Committee that next year the new system should make processes easier. In response to a member question on the risk of fraud caused by the late bank reconciliation, The Director of Corporate Services assured Members that the Council was always mindful of fraud and worked with the Auditors to prevent this.

The External Auditors presented their report to the Committee and confirmed that they now had the bank reconciliation information and would be able to finalise the audit the day after the Committee. They asked the Committee to note that once all the outstanding matters were completed they expected to issue an unqualified audit opinion on the accounts 2016/17. They outlined the timetable that they and the Council would work to in order that the early deadlines of close of accounts for 2017/2018 were met and said they were pleased with the positive response they had received from the Council's Financial Managers. They explained that although the introduction of the new financial system had caused delays to this year's accounts, they were now content that the issues would be solved before next year's accounts.

In response to Members questions the External Auditors felt that the new system was necessary as the old system had limitations, was unsupported and did not support all of the External Audit analytical tools. The Director of Corporate Services explained that whilst the timing of the introduction of the new system was not ideal, there had been other factors that influenced the decision at that time.

The Committee noted that The Pension Fund Advisory Panel had just met, and the external Auditors were content with the accounting for the Pensions Fund.

Members asked questions seeking clarification on technical details of the accounts report. The Committee noted that the decision to sell the Wimbledon Car Park P4 had been put on hold when the original winner of the tender withdrew, but a sale could be pursued again as this decision has already been made. Members asked that the table at page 267 be provided in larger size next year. Members noted that there is a typographical error on page 9 table 2 of the report and that the table on page 22 shows the correct data.

Members requested that the Director of Corporate Services report back to the next meeting of the Committee with an update on all issues currently outstanding and any issues relating to the early closing of accounts in 2018.

The Committee agreed the recommendations contained in the report but the Chair agreed that he would sign the letters from recommendation 5 and 6 once the External Auditors were satisfied that all work was complete.

## RESOLVED

1. That Committee approve the audited Statement of Accounts, including the Pension Fund Accounts (Appendix 2), subject to any further comments from the External Auditor.
2. That Committee note any comments made by the Pensions Fund Advisory Panel regarding the Pension Fund Accounts.

3. To note EY's Audit Results Report (Appendix 4) for the Pension Fund accounts under the International Standard on Auditing (ISA) 260.
4. To note EY's Audit Results Report (Appendix 3) for the Statement of Accounts under the ISA 260.
5. That the Chair signs the Statement of Responsibilities for the Statement of Accounts (Appendix 2, page 154) when the audit was complete.
6. That the Chair signs Letters of Representation (Appendices 3 and 4) for the Statement of Accounts and Pension Fund Accounts when the audit was complete.

## 5 REVIEW OF CONTRACT STANDING ORDERS (Agenda Item 5)

The Head of Commercial Services presented her report on revisions to the Council's Contract Standing Orders, and asked members to note that the Council is obliged to have up to date and fit for purpose Contract Standing orders that comply with relevant legislation. Members noted that the report contained up dated Contract Standing orders that comply with the Public Contracts legislation 2015 and the Local Government Transparency Code 2015, are robust and transparent, reflect best practice and will be more straightforward for officers to use.

Members noted that there were now six procurement procedures that officers could follow. A Member asked about the specific circumstances that would allow the negotiated procedure without prior publication to be used. The head of Commercial Services explained that this would only be used after careful consideration and in consultation with Legal Officers in circumstances where there was only one provider bidding for a contract.

The Committee welcomed the proposed new Contract standing Orders.

### RESOLVED

That Members note, approve and recommend to full Council, the proposed revisions made to the Council's Contract Standing Orders. Changes made are in response to the implementation of the Public Contracts Regulations 2015, the Local Government Transparency Code 2015 and to drive greater compliance overall with procurement governance and best practice.

## 6 UPDATE ON RIPA AUTHORISATIONS (Agenda Item 6)

The Assistant Director of Corporate Governance presented the report on RIPA authorisations and asked members to note that there had been no RIPA authorisations since their last meeting. He confirmed that it was good practice to avoid using RIPA as covert actions were a last resort

One application for communication data was made regarding illegal sales over the internet, but the site was closed before action could be taken.

The Committee noted that the Council was planning to prosecute 45 case of fly tipping, via an online application – which kept costs at a minimum. Members were

pleased to note these potential prosecutions but several members said that there was still a problem with fly-tipping in their wards. The Committee asked to be sent the details of the 45 cases.

## RESOLVED

That members note the purposes for which investigations have been authorised under the Regulation of Investigatory Power Act (RIPA) 2000

### 7 COMPLAINTS AGAINST MEMBERS (Agenda Item 7)

The Committee received a verbal update from the Assistant Director of Corporate Governance on recent complaints against members.

The Committee noted that of the two recent complaints against members one had been dismissed by the Monitoring Officer and Independent Person and the other was on going.

Members commented that they had received representation from the complainant in the case that had been dismissed by the Monitoring Officer and Independent Person. It was agreed that the Chair of Standards and General Purposes would reply to the complainant noting that the complaint had been dealt with in accordance with Council procedures by the Monitoring Officer and Independent Person. The Committee noted that the complainant had other grievances that could not be dealt with by the Standards process and had been directed to other agencies that would be able to investigate these grievances.

### 8 TEMPORARY AND CONTRACT STAFF UPDATE (Agenda Item 8)

The Director of Corporate Services presented the Temporary and Contract Staff update report, and emphasised that progress is being made in reducing the numbers of such staff. She reported that the 'temp to perm' system has contributed to this progress, and a recruitment campaign in Corporate Services should reduce the numbers further. The Director asked the Committee to note that there were key areas that were still experiencing problems with recruiting permanent staff, particularly Children's Services, Social Care and Planning, and also that there are contract staff who continue to be employed owing to their specialist roles. Members asked about staff who have been for those who had been contracted for longer than 24 months and noted that they are in a variety of roles, some very specialist and that some may be part of the 'temp to perm' conversion process. The Director confirmed that going forward there would be a greater emphasis on apprenticeships and 'growing our own' staff.

Members asked about the impact of IR35 on our temporary staff situation and noted that the effects of these changes were still being worked through

## RESOLVED



The Committee noted the progress made to monitor and control the use of temporary workers and consultants

9 WORK PROGRAMME (Agenda Item 9)

Members requested that updates on the Final Audited Accounts for 2016/17 be added to the November 2017 and March 2018 work programmes. This was agreed by the Committee.

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# Merton Council

Annual Audit Letter for the year ended 31 March 2017

October 2017

Ernst & Young LLP

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Agenda Item 4



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Public Sector Audit Appointments Ltd (PSAA) have issued a “Statement of responsibilities of auditors and audited bodies”. It is available from the Chief Executive of each audited body and via the PSAA website ([www.psaa.co.uk](http://www.psaa.co.uk))

The Statement of responsibilities serves as the formal terms of engagement between appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

The “Terms of Appointment (updated 23 February 2017)” issued by PSAA sets out additional requirements that auditors must comply with, over and above those set out in the National Audit Office Code of Audit Practice (the Code) and statute, and covers matters of practice and procedure which are of a recurring nature.

This Annual Audit Letter is prepared in the context of the Statement of responsibilities. It is addressed to the Members of the audited body, and is prepared for their sole use. We, as appointed auditor, take no responsibility to any third party.

Our Complaints Procedure - If at any time you would like to discuss with us how our service to you could be improved, or if you are dissatisfied with the service you are receiving, you may take the issue up with your usual partner or director contact. If you prefer an alternative route, please contact Steve Varley, our Managing Partner, 1 More London Place, London SE1 2AF. We undertake to look into any complaint carefully and promptly and to do all we can to explain the position to you. Should you remain dissatisfied with any aspect of our service, you may of course take matters up with our professional institute. We can provide further information on how you may contact our professional institute.

# Executive Summary

## Executive Summary

We are required to issue an annual audit letter to the London Borough of Merton (the Council) and Merton Pension Fund (the Pension Fund) following completion of our audit procedures for the year ended 31 March 2017. Below are the results and conclusions on the significant areas of the audit process.

Area of Work	Conclusion
<p>Opinion on the Council's and Pension Fund's:</p> <ul style="list-style-type: none"> <li>▶ Financial statements</li> </ul>	<p>Unqualified – the financial statements give a true and fair view of the financial position of the Council and Pension Fund as at 31 March 2017 and of its expenditure and income for the year then ended.</p> <p>We concluded that the Council is not yet well placed to meet the earlier deadlines for production and audit of the financial statements in 2017/18 and raised recommendations for improvement as part of our 2016/17 Audit Results Report. Management recognise these issues and have accepted the recommendations, together with a clear commitment to working with us to address this in 2017/18</p>
<ul style="list-style-type: none"> <li>▶ Consistency of other information published with the financial statements</li> </ul>	<p>Other information published with the financial statements was consistent with the Accounts.</p>
<p>Concluding on the Council's arrangements for securing economy, efficiency and effectiveness</p>	<p>We concluded that you have put in place proper arrangements to secure value for money in your use of resources.</p> <ul style="list-style-type: none"> <li>▶ The Council overspent by approximately 1% against its gross budget. This level of overspending was forecast by budget monitoring arrangements from a relatively early stage in the year. The overall overspend on the General Fund resulted in a call on balances. The Council has now been overspending against its front line service budget since 2014/15.</li> <li>▶ The pattern of overspending in 2016/17 is similar to 2015/16 in terms of the three largest service areas of overspending, but the level of overspend on adult social care (ASC) escalated considerably. There appears to be a good level of understanding of the cause of the overspending with the cost of provider placements the main driver. Growth assumptions built into the 2017/18 ASC budget appear reasonable and there is now explicit provision in the budget to mitigate against the impact of planned cost savings that are not fully delivered, or not delivered on a recurrent basis.</li> <li>▶ Although there are established integrated Learning Disabilities and Mental Health teams, the Better Care Fund and wider Sustainability and Transformation Plan agenda has not</li> </ul>

yet resulted in significant changes to operational practice, particularly in terms of joint procurement or commissioning.

- ▶ As at month 3 in 2017/18 the Council forecasts a net revenue overspend at year end of £1.8 million or 0.3% of its gross budget. This level of overspending could not be supported by the General Fund without taking it to a level the Council considers to be below a prudent minimum, and therefore would need to be funded by increased savings or a call on other earmarked reserves.

Reports by exception:

▶ Consistency of Governance Statement	The Governance Statement was consistent with our understanding of the Council.
▶ Public interest report	We had no matters to report in the public interest.
▶ Written recommendations to the Council,	We had no matters to report.
▶ Other actions under the Local Audit and Accountability Act 2014 (2014 Act)	We had no matters to report.

Reporting to the National Audit Office (NAO) on our review of the Council's Whole of Government Accounts return (WGA).	We had no matters to report.
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As a result of the above we have also:

Area of Work	Conclusion
Issued a report to those charged with governance of the Council communicating significant findings resulting from our audit.	Our Audit Results Report was presented to the Standards and General Purposes Committee on 7 September 2017.
Issued a certificate that we have completed the audit in accordance with the requirements of the 2014 Act and the NAO's Code.	Our certificate was issued on 30 September 2017

We would like to take this opportunity to thank the Council and Pension Fund's staff for their assistance during the course of our work.

Suresh Patel  
 Associate Partner  
 For and on behalf of Ernst & Young LLP



Purpose & responsibilities



## Purpose & responsibilities

### The Purpose of this Letter

The purpose of this annual audit letter is to communicate to Members and external stakeholders, including members of the public, the key issues arising from our work, which we consider should be brought to the attention of the Council. We have already reported the detailed findings from our audit work in our 2016/17 Audit Results Report to the 7 September 2017 Standards and General Purposes Committee, representing those charged with governance. We do not repeat those detailed findings in this letter and report here the most significant for the Council.

### Responsibilities of the Appointed Auditor

Our 2016/17 audit work has been undertaken in accordance with the Audit Plan that we issued on 22 February 2017 and is conducted in accordance with the National Audit Office's 2015 Code of Audit Practice, International Standards on Auditing (UK and Ireland), and other guidance issued by the National Audit Office. As auditors we are responsible for:

- ▶ Expressing an opinion on the 2016/17 financial statements, including the pension fund; and on the consistency of other information published with the financial statements.
- ▶ Forming a conclusion on the arrangements the Council has to secure economy, efficiency and effectiveness in its use of resources.
- ▶ Reporting by exception:
  - ▶ If the annual governance statement is misleading or not consistent with our understanding of the Council;
  - ▶ Any significant matters that are in the public interest;
  - ▶ Any written recommendations to the Council, which should be copied to the Secretary of State; and
  - ▶ If we have discharged our duties and responsibilities as established by thy Local Audit and Accountability Act 2014 and Code of Audit Practice.

Alongside our work on the financial statements, we also review and report to the National Audit Office (NAO) on you Whole of Government Accounts return.

### Responsibilities of the Council

The Council is responsible for preparing and publishing its statement of accounts accompanied by an Annual Governance Statement. In the AGS, the Council reports publicly each year on how far it complies with its own code of governance, including how it has monitored and evaluated the effectiveness of its governance arrangements in year, and any changes planned in the coming period.

The Council is also responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

# Financial Statement Audit

## Financial Statement Audit

### Key Issues

The Council's Statement of Accounts is an important tool for the Council to show how it has used public money and how it can demonstrate its financial management and financial health.

We audited the Council and Pension Fund's Statement of Accounts in line with the National Audit Office's 2015 Code of Audit Practice, International Standards on Auditing (UK and Ireland), and other guidance issued by the National Audit Office and issued an unqualified audit report on 30 September 2017. Our detailed findings were reported to the 7 September 2017 Standards and General Purposes Committee. The key issues identified as part of our audit were as follows:

Significant Risk	Conclusion
<p>Management override of controls</p> <p>A risk present on all audits is that management is in a unique position to perpetrate fraud because of its ability to manipulate accounting records directly or indirectly, and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively.</p> <p>Auditing standards require us to respond to this risk by testing the appropriateness of journals, testing accounting estimates for possible management bias and obtaining an understanding of the business rationale for any significant unusual transactions.</p>	<p>To gain assurance in respect of the general risk of management override:</p> <ul style="list-style-type: none"><li>• We tested the appropriateness of journal entries recorded in the general ledger and other adjustments made in preparing the financial statements.</li><li>• We reviewed accounting estimates for evidence of management bias.</li><li>• We evaluated the business rationale for any significant unusual transactions.</li><li>• We evaluated the rationale for any changes in accounting policy.</li></ul> <p>We did not identify any evidence of material management override. We did not identify any instances of inappropriate judgements being applied. We did not identify any other transactions during our audit which appeared unusual or outside the Authority's normal course of business.</p>

Significant Risk	Conclusion
<p><b>New General Ledger Implementation</b></p> <p>The Council introduced its new E5 general ledger system with effect from 7 February 2017. It put in place measures to migrate data on 2016/17 transactions and balances from the old to the new general ledger system. The Council's 2016/17 financial statements were prepared using data taken from the new general ledger at the end of the financial year. To ensure the Council prepares materially accurate and complete 2016/17 financial statements it was essential that the Council was assured that it has migrated all financial data to its new general ledger.</p>	<p>We carried out additional substantive procedures to gain assurance that data was completely and accurately migrated between the old and new general ledgers.</p> <p>Implementation of the new general ledger system has necessitated changes to many of the Council's key internal financial control processes. At commencement of the audit the Council was not able to provide a complete year-end bank reconciliation or reconciliation of the creditors control account.</p> <p>The Council also continued to experience difficulty in producing reports from the new general ledger system to allow us to use our analytics tools to support the audit process and it continues to be difficult to map the financial data provided to the financial statements. It was also not initially able to produce transactional analyses of both system and non-system debtors and creditors which delayed testing in these areas.</p> <p>Based on all of this we have concluded the Authority is not currently well placed to achieve the tighter deadlines for production and audit of its financial statements in 2017/18. We raised associated recommendations as part of our 2016/17 Audit Results Report which were accepted by management.</p>

## Other Areas of Focus

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### Financial Statements Presentation

Amendments have been made to the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17 (the Code) which change the way the financial statements are presented.

The new reporting requirements impact on both the Comprehensive Income and Expenditure Statement and the Movement in Reserves Statement, and include the introduction of the new 'Expenditure and Funding Analysis' note.

The Council dealt well in adopting the new presentational changes required by the Code in its 2016/17 financial statements. A small number of relatively minor disclosure changes have been made as a result of our work in this area.

### Accounting for Property, Plant and Equipment

Property, Plant and Equipment represent a significant balance in the Council's accounts and are subject to valuation changes, impairment reviews and depreciation charges. Material judgemental inputs and estimation techniques are required to calculate the year-end fixed assets balances held in the balance sheet.

The Council engages an external expert valuer who applies a number of complex assumptions. Annually, assets are assessed to identify whether there is any indication of impairment.

As the Council's asset base is significant, and the outputs from the valuer are subject to estimation, there is a risk fixed assets may be under/overstated or the associated accounting entries incorrectly posted. ISAs (UK and Ireland) 500 and 540 require us to undertake procedures on the use of management experts and the assumptions underlying fair value estimates.

We identified no significant deficiencies in the Council's overall approach in this area. There were, however, a number of disclosure errors made in the Property, Plant and Equipment note and related entries in the financial statements which were corrected as a result of our audit.

### Pensions Valuations and Disclosures

The Council is required to make extensive disclosures within its financial statements regarding the Local Government Pension Scheme (LGPS) in which it is an admitted body.

Accounting for this scheme involves significant estimation and judgement and therefore management engages an actuary to undertake the calculations on their behalf. ISAs (UK and Ireland) 500 and 540 require us to undertake procedures on the use of management experts and the assumptions underlying fair value estimates.

Assumptions used by the actuary and adopted by the Council are considered to be generally acceptable. However, PWC's Consulting Actuary report provided to us by Public Sector Audit Appointments Ltd highlighted that discount and inflation rates used by the Council's actuary Barnett Waddingham fell outside what they consider to be an acceptable range. We were satisfied this did not result in errors in the actuary's assessment of the IAS19 pension liability and associated disclosures in the Council's financial statements.

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### Accounting for PFI

The Council has a Private Finance Initiative (PFI) scheme under which six secondary schools were rebuilt by a PFI operator, NewSchools Ltd. Following a partial termination of the contract in 2006, two schools were transferred to academies.

The accounting entries and disclosures in the financial statements are underpinned by a detailed accounting model that forms the basis for entries and disclosures in the financial statements.

As part of our work we commissioned a detailed review and testing of the accounting model and related disclosures in the financial statements by an EY expert.

Based on the EY expert's review we are satisfied that the PFI accounting model produces materially accurate entries and disclosures in the financial statements.

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The Council's Statement of Accounts is an important tool for the Council to show how it has used public money and how it can demonstrate its financial management and financial health.

## Our application of materiality

When establishing our overall audit strategy, we determined a magnitude of uncorrected misstatements that we judged would be material for the financial statements as a whole.

Item	Thresholds applied
Planning materiality	We determined planning materiality to be £10.59 million (2015/16: £10.25 million), which is 2% of gross revenue expenditure reported in the accounts. We consider gross revenue expenditure to be one of the principal considerations for stakeholders in assessing the financial performance of the Council.
Reporting threshold	We agreed with the Standards and General Purposes Committee that we would report to the Committee all audit differences in excess of £529,000 (2015/16: £512,000)

We evaluate any uncorrected misstatements against both the quantitative measures of materiality discussed above and in light of other relevant qualitative considerations.



A close-up, shallow depth-of-field photograph of a stack of coins. The coins are stacked vertically, with some showing their edges and others showing their faces. The lighting is warm, highlighting the metallic texture and the ridges on the edges. A bright yellow rectangular box is overlaid on the left side of the image, containing the text 'Value for Money'.

## Value for Money

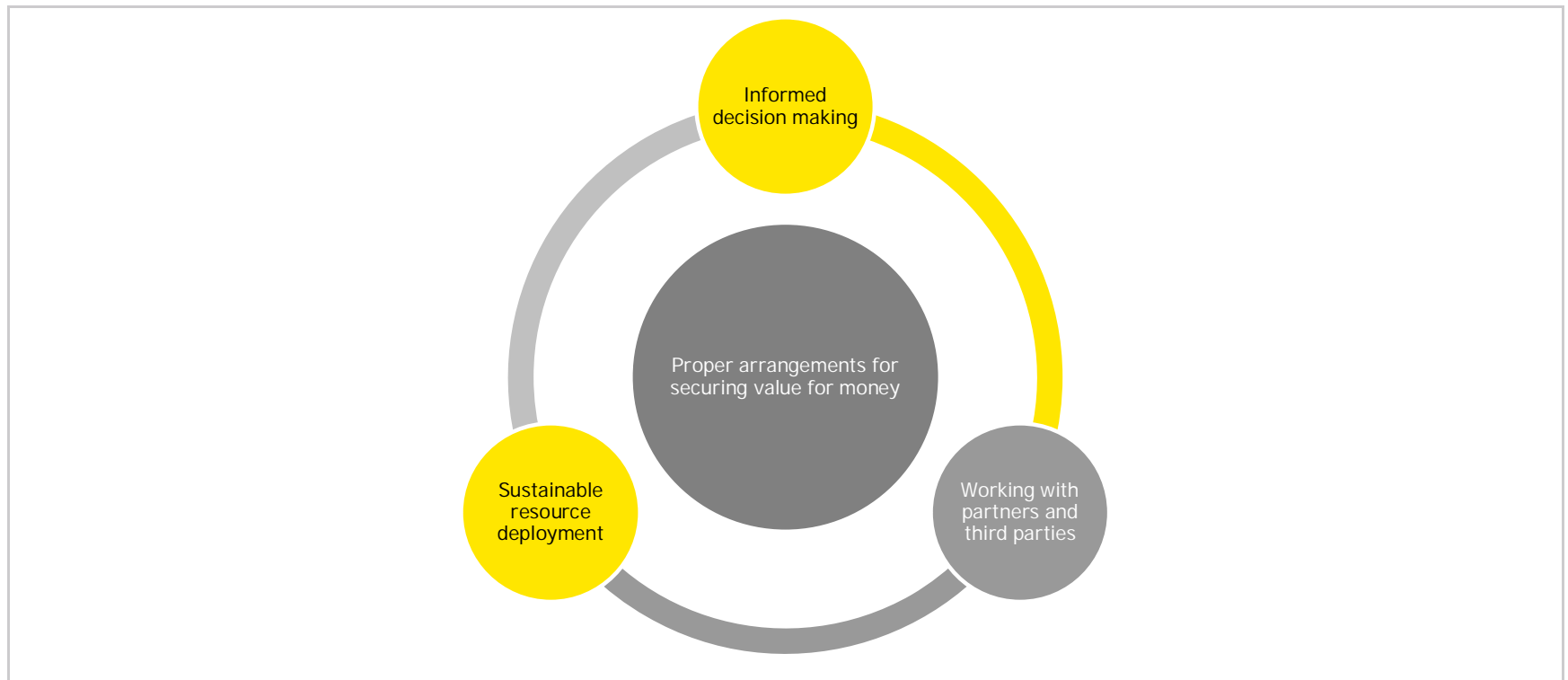


## Value for Money

We are required to consider whether the Council has put in place 'proper arrangements' to secure economy, efficiency and effectiveness on its use of resources. This is known as our value for money conclusion.

Proper arrangements are defined by statutory guidance issued by the National Audit Office. They comprise your arrangements to:

- Take informed decisions;
- Deploy resources in a sustainable manner; and
- Work with partners and other third parties.



We identified one significant risk in relation to these arrangements. The tables below present the findings of our work in response to the risk identified and any other significant weaknesses or issues to bring to your attention.

We have performed the procedures outlined in our audit plan. We did not identify any significant weaknesses in the Council's arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.

We therefore issued an unqualified value for money conclusion on 30 September 2017.

Significant Risk	Conclusion
<p>Failure to deliver medium term financial balance</p> <p>In common with many other councils Merton continues to face a highly challenging financial outlook. The annual budget gap net of planned savings and growth over the four years forecast in the Council's medium term financial strategy (MTFS) reported to the March 2017 Council Budget meeting rises from a balanced position in 2017/18, to approximately £18 million in 2020/21.</p> <p>The main budgetary pressure continues to be current and forecast future growth in adult social care (ASC) spending. The latest forecast for the directorate at the time our planning work undertaken was a £9 million overspend in 2016/17 leading to a forecast current year net overspend for the Council of approximately £6 million. The Council was therefore likely to call on reserves to a greater extent than budgeted for in the previous MTFS.</p>	<p>We concluded that you have put in place proper arrangements to secure value for money in your use of resources, but that the financial outlook remains highly challenging. Specifically:</p> <ul style="list-style-type: none"> <li>▶ The Council overspent by approximately 1% against its gross budget. This level of overspending was forecast by budget monitoring arrangements from a relatively early stage in the year. The overall overspend on the General Fund resulted in a call on balances and the Council has now been overspending against its front line service budget since 2014/15.</li> <li>▶ The pattern of overspending in 2016/17 is similar to 2015/16 in terms of the three largest service areas of overspending, but the level of overspend on adult social care (ASC) escalated considerably. There appears to be a good level of understanding of the cause of the overspending with the cost of provider placements the main driver. Growth assumptions built into the 2017/18 ASC budget appear reasonable and there is now explicit provision in the budget to mitigate against the impact of planned cost savings that are not fully delivered, or not delivered on a recurrent basis.</li> <li>▶ Although there are established integrated Learning Disabilities and Mental Health teams, the Better Care Fund and wider Sustainability and Transformation Plan agenda has not yet resulted in significant changes to operational practice, particularly in terms of joint procurement or commissioning.</li> <li>▶ As at month 3 in 2017/18 the Council forecasts a net revenue overspend at year end of £1.8 million or 0.3% of its gross budget. This level of overspending could not be supported by the General Fund without taking it to a level the Council considers to be below a prudent minimum, and therefore would need to be funded by increased savings or a call on other earmarked reserves.</li> </ul> <p>We raised recommendations for improvement which were accepted by management.</p>

## Other Reporting Issues

## Other Reporting Issues

### Whole of Government Accounts

We performed the procedures required by the National Audit Office on the accuracy of the consolidation pack prepared by the Council for Whole of Government Accounts purposes. We identified no significant issues as a result of our work

### Annual Governance Statement

We are required to consider the completeness of disclosures in the Council's annual governance statement, identify any inconsistencies with the other information of which we are aware from our work, and consider whether it is misleading. We did not identify any areas of concern.

### Report in the Public Interest

We have a duty under the Local Audit and Accountability Act 2014 (2014 Act) to consider whether, in the public interest, to report on any matter that comes to our attention in the course of the audit in order for it to be considered by the Council or brought to the attention of the public. We did not identify any issues which required us to issue a report in the public interest.

### Written Recommendations

We have a duty under the 2014 Act to designate any audit recommendation as one that requires the Council to consider it at a public meeting and to decide what action to take in response. We did not identify any issues which required us to issue a written recommendation.

### Objections Received & Other Powers and Duties

We did not receive any objections to the 2016/17 financial statements from member of the public. We identified no issues during our audit that required us to use our additional powers under the 2014 Act.

### Independence

We communicated our assessment of independence in our Audit Results Report to the Standards and General Purposes Committee on 7 September 2017. In our professional judgement the firm is independent and the objectivity of the audit engagement partner and audit staff has not been compromised within the meaning regulatory and professional requirements.

## Control Themes and Observations

As part of our work, we obtained an understanding of internal control sufficient to plan our audit and determine the nature, timing and extent of testing performed. Although our audit was not designed to express an opinion on the effectiveness of internal control, we are required to communicate to you significant deficiencies in internal control identified during our audit.

Implementation of the new general ledger system necessitated changes to many of the Council's key internal financial control processes. At commencement of the audit the Council was not able to provide a complete year-end bank reconciliation or reconciliation of the creditors control account.

We ultimately concluded that there are no significant deficiencies in the design or operation of an internal control that might result in a material misstatement in the Council's financial statements, but have raised a recommendation as part of our 2016/17 Audit Results Report on the need to fully establish and embed key control processes which has been accepted by management.



A close-up photograph of a person's face as they look through a pair of black binoculars. The person's eyes are visible through the eyepieces, and their hands are holding the binoculars. A bright yellow rectangular box is overlaid on the left side of the image, containing the text "Focused on your future".

Focused on your  
future

## Focused on your future

Area	Issue	Impact
<p><i>Earlier deadline for production and audit of the financial statements from 2017/18</i></p>	<p>The Accounts and Audit Regulations 2015 introduced a significant change in statutory deadlines from the 2017/18 financial year. From that year the timetable for the preparation and approval of accounts will be brought forward with draft accounts needing to be prepared by 31 May and the publication of the audited accounts by 31 July.</p>	<p>These changes provide challenges for both the preparers and the auditors of the financial statements.</p> <p>Based on the results of our 2016/17 work we concluded that the Council is not yet well placed to meet the earlier deadlines for production and audit of the financial statements in 2017/18 and raised recommendations for improvement as part of our 2016/17 Audit Results Report. Management recognise these issues and have accepted the recommendations, together with a clear commitment to working with us to address this in 2017/18.</p> <p>As auditors, nationally we have:</p> <ul style="list-style-type: none"> <li>• Issued a thought piece on early closedown</li> <li>• As part of the strategic Alliance with CIPFA jointly presented accounts closedown workshops across England, Scotland and Wales</li> <li>• Presented at CIPFA early closedown events and on the subject at the Local Government Accounting Conferences in July 2017</li> </ul> <p>Locally, we have engaged in discussions with the Council and, following the completion of the 2016/17 audit, we are agreeing areas of early substantive testing for 2017/18. With management's input, we will continue to develop this approach to bring forward our work during the 2017/18 audit.</p>

Appendix A

## Audit Fees





## Appendix A Audit Fees

### Main Council Audit

Description	Final Fee 2016/17 £	Planned Fee 2016/17 £	Scale Fee 2016/17 £	Final Fee 2015/16 £
Total Audit Fee – Code work	155,498*	143,498	143,498	143,498
Certification of claims and returns	30,555	28,320**	30,555	41,242
Non-audit work – Teachers' Pensions	TBC***	8,500	N/A	8,500

\* The proposed final fee includes an additional amount of £5,000 for work required to gain assurance over the transfer of data to the Council's new general ledger. The proposed final fee also includes a further amount of £7,000 for other additional work required to gain assurance on the financial statements caused by weaknesses and omissions in supporting working papers and the failure to produce complete reconciliations supporting balances in the accounts. The proposed final fee is subject to confirmation by Public Sector Audit Appointments Limited (PSAA).

\*\* The scale fee for the certification of claims and returns has been updated by PSAA subsequent to the planning stage of the audit.

\*\*\* Subject to confirmation of 2016/17 work.

### Pension Fund Audit

Description	Final Fee 2016/17 £	Planned Fee 2016/17 £	Scale Fee 2016/17 £	Final Fee 2015/16 £
Total Audit Fee – Code work	21,000	21,000	21,000	21,000

EY | Assurance | Tax | Transactions | Advisory

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ED None

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## **Committee: Standards and General Purposes Committee**

**Date: 9<sup>th</sup> November 2017**

Wards: All

### **Subject: Audited Final Accounts 2016/17**

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Cllr Mark Allison- Cabinet Member for Finance.

Contact officer: Roger Kershaw, Interim AD of Resources, 2018-55-3458

#### **Recommendations:**

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1. That the Committee approve the audited Statement of Accounts, including the Pension Fund accounts.
- 

#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. To advise members that the audit of the Council's accounts has been completed and that the Council has received an unqualified opinion.

#### **2 DETAILS**

- 2.1. Members will recall at the Standards and General Purposes Committee meeting on the 7<sup>th</sup> September, the external auditors advised that their work was not yet complete and that they had to finalise their work on the bank reconciliation and the schools' PFI project.
- 2.2. These areas of the audit have now been completed without any changes to the accounts resulting from them apart from an amendment to the presentation of "Cash and cash equivalents" in disclosure 14 (but with no change to the total for Cash and cash equivalents.). The audit as a whole has also been completed and the external auditors have given the Council's accounts an unqualified opinion.
- 2.3. The accounts presented on the 7<sup>th</sup> September therefore remain unchanged with the exception of disclosure 14 and they have now been published on the Council's website.
- 2.4. As previously reported to the SGPC, from the financial year 2017/18 onwards the statutory deadlines for preparing unaudited and audited accounts will become the 31<sup>st</sup> May and 30<sup>th</sup> July respectively. This compares with the dates which applied in 2016/17, namely the 30<sup>th</sup> June and 30<sup>th</sup> September respectively. The 2017/18 timetable reduces the time to prepare draft accounts by one month and for completion of the audit of those accounts by two months.
- 2.5. We have recognised the need for early engagement with the external auditors (EY) given the challenges of early closure and are pleased to report that EY have agreed to undertake some preliminary work with us. To that end, we have invited them in during November and December 2017 to run a number of analytical tests on our systems to establish their robustness and integrity. This will enable us to better plan for early closure. We have also identified additional resources which will be prioritised for our early closure

work. Since the September SGPC, officers have been working closely with our external auditors to ensure that there is a common understanding of needs and to develop an action plan to meet the tighter deadlines. The key features of this plan are as follows-

- Early agreement on working paper requirements and clear instructions to staff to ensure working papers are ready on time and are of good quality.
- Early sharing of data from the general ledger to resolve mapping issues early and to undertake interrogation of the system.
- EY to run a series of analytics on our financial systems to test data quality.
- Clearer mapping of codes from the general ledger to the financial statements.
- Sharing of code structure charts to enable the external auditors to better understand the Chart of Accounts.
- A “shorter and sharper” year end audit.
- Setting a date in late July, currently proposed to be the 26<sup>th</sup> July, to be confirmed, for approval of the audited accounts.

2.6 The action plan will be monitored closely by officers and progress reported to Members. This should provide Members with the assurance that officers, in conjunction with our external auditors, are taking all the steps necessary to meet the challenge of faster closing.

### **3 ALTERNATIVE OPTIONS**

3.1. None for the purposes of this report.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None for the purposes of this report.

### **5 TIMETABLE**

5.1. The Statement of Accounts has been audited within statutory deadlines.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. The level of resources will be reviewed to enable faster closing.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. Members are referred to the Council’ constitution and in particular to the Financial Regulations which are in Part 4f.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. None for the purposes of this report.

### **9 CRIME AND DISORDER IMPLICATIONS**

9.1. None for the purposes of this report.

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None for the purposes of this report.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

**12 BACKGROUND PAPERS**

12.1. The papers which were used to compile this report are held within the Corporate Services Department. Specifically, they include-

- Statement of Accounts 2016/17
- Working Papers for accounting entries
- Code of Practice on Local Authority Accounting in the United Kingdom 2016/17
- CIPFA Technical Bulletins

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## **Committee: Standards and General Purpose Committee**

**Date: 9<sup>th</sup> November 2017**

Agenda item:

Wards:

### **Subject: Changes to the Joint Regulatory Service Committee**

Lead officer: Chris Lee, Director of Environment and Regeneration

Lead member: Cllr Ross Garrod, Cabinet Member for Street Cleanliness and Parking; Cllr Nick Draper, Cabinet Member for Community and Culture

Forward Plan reference number:

Contact officer: Paul Foster, Head of the Regulatory Services Partnership, John Hill, Assistant Director, Public Protection

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### **Recommendations:**

- A. That the Standards and General Purpose Committee recommends that Council approves the amended Terms of Reference for the Joint Regulatory Services Committee (JRSC) as set out in Appendix 3;
  - B. That the Standards and General Purpose Committee recommends that Council agrees that the Chair of the JRSC rotates on an annual basis between Merton, Richmond and Wandsworth.
- 

## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report presents proposed changes to the JRSC's Terms of Reference following Cabinet approval of the proposal to expand the Regulatory Shared Services partnership to include the London Borough of Wandsworth as a new partner.
- 1.2. This report seeks Committee's approval to the amended Terms of Reference for the JRSC as set out in Appendix 3.

## **2 DETAILS**

### **Background**

- 2.1. The JRSC was established at Merton Council on 9 July 2014, where the Terms of Reference and membership were agreed. It is not a decision-making body and therefore not subject to proportionality rules. No key decisions are taken by the JRSC and therefore the matters considered are not subject to call-in.
- 2.2. On 10 June 2014, Richmond Council approved the delegation of powers and appointment of two Members to the Joint Committee as well as changes to their Constitution.
- 2.3. Page 47 of Richmond's Constitution states the delegation as "Functions related to Regulatory Services including environmental health, trading standards and licensing are delegated under LGA 1972, s.101 to the

London Borough of Merton so long as the shared service arrangements exists.”

- 2.4. The first meeting was in October 2014 and the JRSC has met another 8 times since then. Merton is the “host” authority and therefore services the meetings, although the Chair currently alternates between Merton and Richmond (resolved at the JRSC on 23 February 2015).
- 2.5. Richmond’s Cabinet agreed to admit Wandsworth to the Shared Service on 22 June 2017. Merton Cabinet, at its meeting on 3 July 2017, also agreed to admit Wandsworth to the Shared Service; and delegated the details of the arrangements to the Director of Environment and Regeneration. This paper seeks to advise the Council on the proposed changes to the Terms of Reference and operation of the JRSC following the admittance of Wandsworth.

### **Current governance arrangements**

- 2.6. The current Terms of Reference, as set out in Merton’s Constitution, are provided in Appendix 1. The purpose of the JRSC is to review and monitor performance; advise officers on funding matters; and consider any matter not reserved to the Council or Head of Shared Service.
- 2.7. The current members of the body are:
- Cllr Nick Draper, CM for Community and Culture (LBM)
  - Cllr Ross Garrod, CM for Street Cleanliness and Parking (LBM)
  - Cllr Pamela Fleming, CM for Environment, Business and Community (LBR) (Chair 2017/18)
  - Cllr Rita Palmer (LBR)
- 2.8. The existing Reserved Matters (i.e. matters that cannot be exercised by the JRSC) are set out in Appendix 2.
- 2.9. The agendas and minutes of the JRSC have been reviewed by Democratic services officers and it appears that the majority of the business considered by the JRSC is performance update reports and position statements<sup>1</sup>.
- 2.10. Any decisions taken by the JRSC are to note a report or advise officers or endorse an approach. The consideration of discretionary fees and charges is for the purposes of noting and advising officers on their approach. Any decision taken to vary the fees would be taken by the Chief Officer in accordance with the Scheme of Delegation.

### **Review of Governance Arrangements**

- 2.11. A meeting was held with officers from Merton and Wandsworth / Richmond (under their Shared Staffing Arrangement) on 22 June 2017. It was proposed that the wording of the Terms of Reference be amended to clarify that the JRSC is an advisory rather than a decision making body. The proposed revised Terms of Reference are provided in Appendix 3.

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<sup>1</sup> <https://Mertonintranet.moderngov.co.uk/ieListMeetings.aspx?CIId=344&Year=0>



- 2.12. The composition of each council's membership should be for that council to determine.
- 2.13. It has been agreed that the Chair of the JRSC should rotate on an annual basis between Merton, Richmond and Wandsworth, the sequence of which to be agreed by the JRSC. The venue of each meeting will normally be in the borough of the Council with the Chair in that year, with associated accommodation costs being absorbed by that authority.
- 2.14. In order to share the administrative servicing of the JRSC (preparation of papers; minute taking), it has been proposed that this should become the responsibility of the authority hosting the Committee in that year, provided the hosting is rotated on an annual basis and there is not a significant variation in costs incurred each year.

### **3 INTER AUTHORITY COLLABORATION AGREEMENT**

- 3.1. The existing inter authority collaboration agreement will be updated stating how the three councils will work together and will define the governance arrangements and appropriate service levels for their respective councils.

### **4 ALTERNATIVE OPTIONS**

- 4.1. n/a

### **5 CONSULTATION UNDERTAKEN OR PROPOSED**

- 5.1. Governance officers from the three councils were engaged to review and agree the changes to the existing Terms of Reference for the JRSC.
- 5.2. Existing JRSC Members and Wandsworth's Deputy Leader and Cabinet Member for Community Services were consulted on these proposed changes.

### **6 TIMETABLE**

- 6.1. The development, agreement and formal approval of the Inter Authority Collaboration Agreement by the three Councils is targeted for completion during last quarter of 2017/18.

### **7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 7.1. As mentioned in paragraph 2.14, in order to share the administrative servicing of the JRSC (preparation of papers; minute taking), it has been proposed that this should become the responsibility of the authority hosting the Committee in that year, provided the hosting is rotated on an annual basis and there is not a significant variation in costs incurred each year. The venue of the meeting will be in the borough of the Council with the Chair in that year, with associated accommodation costs being absorbed by that authority.

### **8 LEGAL AND STATUTORY IMPLICATIONS**

- 8.1. The proposed amendments in respect of the Terms of Reference contained in this report are compliant with legal and statutory requirements.

### **9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

9.1. None for the purposes of this report.

**10 CRIME AND DISORDER IMPLICATIONS**

10.1. None for the purposes of this report.

**11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

11.1. None for the purposes of this report.

**12 APPENDICES**

12.1. Appendix 1: Current Terms of Reference for the JRSC.

12.2. Appendix 2: Reserved Decisions (as stated in the Collaboration Agreement, Schedule 3).

12.3. Appendix 3: Proposed Terms of Reference for the JRSC.

**13 BACKGROUND PAPERS**

None.

**Existing Joint Regulatory Service Committee**

- (a) **Membership:** 2 Members from each the Council being represented on the Joint Committee
  
- (b) **Functions:**
  - 1. Review and set the service level obligations for the functions contained in the shared service
  - 2. Review the Shared Service performance against the requirements agreed by the Councils
  - 3. Review and monitor a risk register for all aspects of the Shared Service
  - 4. Be responsible for any matter relating to the Shared Service not specifically reserved to any Council or the Head of Shared Service
  - 5. Determine and review the charging and funding mechanisms of the operation of the Shared Service
  - 6. Establish future direction and expectations of the Shared Service

## **Appendix 2**

### **Reserved Decisions (as stated in the Collaboration Agreement, Schedule 3)**

1. Admit any body as a new member of the Shared Service.
2. Agree to allow any additional services to become Agreed Services for delivery by the Shared Service.
3. Adopt any Annual Budget in accordance with clause 13.4 and make any changes to it.
4. Agree an Exit Plan pursuant to clause 15.1
5. Agree the Shared Service Accounting Policies or any changes to them.
6. Alter any of the provisions of the Deed.
7. Enter into or make any contract with a cost to the Shared Service of more than £50,000 unless provided for in the Annual Budget (“a material contract”).
8. Give notice of termination of any material contract or make any material variation or amendment to any such contracts.
9. Enter into any contract which cannot be terminated within a 12-month period and under which the liability for such termination could exceed £25,000.
10. Incur any item or series of items of capital expenditure of more than £100,000 unless provided for in the Annual Budget.
11. Change any of the Shared Services' accounting or reporting practices.
12. License, assign or otherwise dispose of intellectual property rights owned jointly by the Councils pursuant to the Shared Service arrangements.
13. Commence, settle or defend any claim, proceedings or other litigation brought by or against the Shared Service.
14. Enter into any contract to do any of the things referred to in the foregoing paragraphs of this Schedule.
15. Alter the exclusivity provisions of Clause 10 of this Deed.

## **Appendix 3**

### **Proposed Joint Regulatory Services Committee**

- (a) **Membership:** 2 Members from each Council being represented on the Joint Committee
  
- (b) **Functions:**
  - 1. Review and recommend the service level obligations for the functions contained in the shared service
  
  - 2. Review the Shared Service performance against the requirements agreed by the Councils
  
  - 3. Review and monitor a risk register for all aspects of the Shared Service
  
  - 4. Be responsible for any matter relating to the Shared Service not specifically reserved to any Council or delegated to the Head of the Shared Service
  
  - 5. Review and advise on the charging and funding mechanisms of the operation of the Shared Service
  
  - 6. Review and advise on future direction and expectations of the Shared Service

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# Agenda Item 9

<b>Date of meeting: 9 November 2017</b>		<b>Agenda Item:</b>
<b>Title of report:</b>	<b>Complaints and Member Enquiries 2016-17</b>	
<b>Lead Director:</b>	<b>Caroline Holland</b>	
<b>Lead Officer:</b>	<b>Monica Coleman</b>	
<b>To which strategic theme(s) does this item relate?</b>	Sustainable communities	Yes
	Safer & Stronger communities	Yes
	Healthier Communities	Yes
	Older People	Yes
	Children & Young People	Yes
	Corporate Capacity	Yes
<b>Is this item for:</b>	Information only?	No
	Discussion?	Yes
	Decision?	No
<b>If this report is for decision, please list the recommendations that you are making to CMT</b>	1. To note the contents.	
<b>Is this report intended to...</b>	Come back to CMT?	No
	Go to Leader's Policy Group?	No
	Go to Cabinet?	No
	Go to Council?	No
	Go to Overview & Scrutiny?	No
	Go to the LSP?	No

## **Standards and General Purposes Committee:**

**Date: 9 November 2017**

Agenda item:

### **Subject: Complaints & Member Enquiries 2016/17**

Lead officer: Monica Coleman, Complaints Team Manager

Lead member: Councillor Mark Allison

Forward Plan reference number: N/A

Contact officer: Monica Coleman, Complaints Team Manager

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### **Recommendations:**

1. This report is for information only.
- 

#### **Report and executive summary**

- 1.1 This report gives CMT an overview of the performance of the council during 2016/17 in responding to complaints and member enquiries.
- 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account.
- 1.3 The number of complaints and member enquiries received by the council has increased in the last three years which can be seen as a positive indication of how accessible our complaints process is.

#### **2. Details**

- 2.1 Complaints, including Local Government Ombudsman (LGO) complaints and member enquiries are monitored by the Complaints team. The data collected is used to provide the performance information in this report, broken down by department. Performance for the number of complaints dealt with in time, the number of complaints escalated to Stage 2 and LGO complaints answered in time are corporate performance indicators.
- 2.2 The council's formal complaints procedure, which does not cover complaints subject to a statutory procedure, has two stages with the following response timescales:
  - Stage 1 within 20 working days; and
  - Stage 2 within 25 working days.



2.3 Social services are subject to a statutory complaints procedure. In Children's Social Care, the deadlines are

- Stage 1 within 10 (up to 20) working days
- Stage 2 within 25 (up to 65) working days
- Stage 3 within 30 working days.

Adult Social Care complaints have a one stage process with a deadline of 25 working days, which can be extended by 40 working days to a maximum of 65 working days.

Member Enquires have a 10 day response target.

2.4 There is a single point of contact for all telephone and email complaints provided by the Complaints Team. The proportion of email complaints has grown steadily in the last two years and email is now the main way in which complaints are received. There has been a corresponding fall in the number of telephone complaints.

### 3. Complaints

3.1 There was an overall decrease in the number of complaints received by the council in 2016/17. A total of 908 complaints (Stages 1, 2, 3 and policy) were received, compared to 1,159 in 2015/16.

3.2 In 2016/17, 830 Stage 1 complaints were received. This is a 23% decrease on the number of Stage 1 complaints received the previous year.

Stage 1	2015/16	2016/17	% Change
Corporate Services	192	166	-13.54%
Children, Schools & Families	66	47	-28.78%
Environment & Regeneration	722	540	-25.2%
Community & Housing	98	77	-21.42%
<b>Total</b>	<b>1078</b>	<b>830</b>	<b>-23%</b>

3.3 A total of 56 complaints were logged at Stage 2 across all departments, representing a 30.86% decrease on the previous year 2015/16.

Stage 2	2015/16	2016/17	Change
Corporate Services	19	12	-36.84%
Children, Schools & Families	5	1	-80%
Environment & Regeneration	53	42	-20.75%
Community & Housing	4	1	-75%
<b>Total</b>	<b>81</b>	<b>56</b>	<b>-30.86%</b>

- 3.4 One Stage 3 Children's Social Care complaint was received in 2016/17.
- 3.5 In 2016/17 response times to complaints improved overall. 86% of Stage 1 complaints and 86% of Stage 2 complaints achieved the performance target for responses. This is an increase of 7.6%% and 3.3% respectively on the 2015/16 results.

	% responses on time					
	2015/16		2016/17		% Change	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage 2
CS	91.6%	68%	96%	100%	+4.4%	+32%
CS&F	75.7%	80%	57%	0%	-18.7%	-80%
E&R	77.9%	90%	88%	83%	+10.1%	-7%
C&H	61.9%	50%	69%	100%	+7.1%	+50%
<b>Total</b>	<b>78.4%</b>	<b>82.7%</b>	<b>86%</b>	<b>86%</b>	<b>+7.6%</b>	<b>+3.3%</b>

- 3.6 During 2016/17 the council upheld or partially upheld 648 complaints, representing 71% of all complaints received (this does not include policy complaints which by their nature cannot be upheld). This outcome is higher than the previous year 2015/16 at 61.5%.

Within this total there were noticeable differences in departmental results with CS&F upholding and partially upholding an increased number of complaints, while CS and C&H partially upheld significantly more complaints than in the previous year.

	2015/16		2016/17		% change	
	Upheld	Part Upheld	Upheld	Part upheld	Upheld	Part upheld
CS	35 17%	46 22%	39 22%	62 35%	+5%	+13
CS&F	8 11%	8 11%	11 22%	18 37%	+11%	+26%
E&R	430 57%	14 19%	320 55%	102 17.5%	-2%	-1.5%
C&H	25 24.5%	19 19%	16 20.5%	26 33%	-4%	14%
<b>Total</b>	<b>498 44%</b>	<b>215 19%</b>	<b>440 50%</b>	<b>208 23%</b>	<b>+6%</b>	<b>+4%</b>

- 3.7 The continued monitoring of complaint responses at Stage 1 has identified issues over the quality of some responses. Poorly prepared or inadequate responses can lead to complaints escalating. To help managers check that their replies address the issues and meet good practice standards, a data quality checklist is sent with the complaint to each officer responsible for drafting the response. Whilst few of these forms are returned to the Complaints Team, they provide a useful tool in identifying if the Stage 1 response adequately addressed the complaint. The Complaints Team feedback to officers where it is felt that the Stage 1 response led to the complaint escalating to try to prevent this happening in future.
- 3.8 The Complaints Team have worked closely with service areas to identify trends or areas that need to be addressed. A Complaints Officer attends monthly meetings of Children’s Social Care and Youth Inclusion’s senior management team to discuss any specific issues with dealing with complaints and member enquiries. This has resulted in improved performance in the service.
- 3.9 Compensation can be offered to complainants at Stages 1 or 2 as a remedy for injustice or as a payment for time and trouble to the complainant. During the year 2016/17 £180 plus 10 garden waste sacks were offered to complainants at this level, £700 less than the previous year 2015/16 of £880. Of this £180, £85 was from Corporate Services and £95 from Environment and Regeneration. This is a significant decrease but we find that the complaints that are partially upheld and upheld are mainly due to poor communication on behalf of the council rather than an administration error which needed to be rectified through monetary compensation. However, the remedies offered at Ombudsman level totalled £46,468 and is detailed in the Ombudsman report so the total amount for 2016/17 is £46,648.
- 3.10 The areas that customers complained about the most at Stage 1 are shown in the table below.

<b>Service</b>	<b>2015/16 Number</b>	<b>2015/16 % of total received</b>	<b>2016/17 Number</b>	<b>2016/17 % of total received</b>
<b>Waste (Refuse)</b>	167	15.4%	125	15%
<b>Waste (Garden)</b>	129	11.9%	92	11%
<b>Revenues (Council Tax)</b>	78	7.2%	64	7.7%
<b>Benefits</b>			50	6%
<b>Waste (Food)</b>	86	7.9%	44	5.3%
<b>Waste (other)</b>			43	5.2%

<b>Waste (Recycling)</b>	67	6.2%	41	4.9%
<b>Waste (Street Cleaning)</b>	65	6%	38	4.6%

#### 4. Compliments

- 4.1 Compliments received by department have excluding Corporate Services remained at a steady number. However, if we look at the number of complaints received versus compliments this ratio has decreased slightly from 1:6.74 in 2015/16 to 1:5.97 in 2016/17.

<b>Compliments</b>	<b>2015/16</b>	<b>2016/17</b>	<b>% change</b>
Corporate Services	53	28	-47%
Children Schools & Families	36	31	-14%
Environment & Regeneration	51	57	12%
Community & Housing	39	36	8%
<b>Total</b>	<b>179</b>	<b>152</b>	<b>-15%</b>

#### 5. Informal and Policy Complaints

- 5.1 A complaint is logged as informal when it is deemed that a quick resolution of the problem is the main concern of the complainant rather than an investigation and written explanation. Informal complaints are particularly applicable in the resolution of complaints about Environment and Regeneration services such as waste collection and street cleaning. This is reflected in the significantly higher number of informal complaints logged against this department compared with others. Informal complaints decreased by 14.2% between 2015/16 and 2016/17.

<b>Informal Complaints</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Change</b>
Corporate Services	18	15	-16%
Children, Schools and Families	39	0	-100%
Environment and Regeneration	440	408	-7.2%
Community and Housing	2	5	+150%
<b>Total</b>	<b>499</b>	<b>428</b>	<b>-14.2%</b>

- 5.2 The table below gives a breakdown of informal complaints by service area in 2016/17.

Department	Number	Service
Corporate Services	15	Housing Benefit - 7 CT Invoices - 3 CT Liability - 2 Contact Centre - 2 Officer - 1
Children, Schools & Families	0	N/A
Environment & Regeneration	408	Refuse - 125 Recycling - 59 Garden waste - 58 Food - 44 Street cleaning - 39 Bulky waste - 32 Waste other - 15 Fly-tipping - 15 Greenspaces - 8 Planning - 5 Traffic & Highways - 4 Parking - 3 Commercial waste - 1
Community & Housing	5	Housing - 5

5.3 Policy complaints are defined as 'expressions of dissatisfaction with the council's policy in a specific service area', as opposed to dissatisfaction with, or failure of a to meet standards. Policy complaints are dealt with under Stage 1 of the complaints process with issues fed back to team managers so that they are made aware of the impact of their decisions. Policy complaints cannot be escalated without an appeal.

5.4 The Complaints team have worked to ensure that when a complaint is classed a policy complaint, that the service user is signposted to the relevant policy.

5.5 21 policy complaints were received in 2016/17, a decrease from 2015/16 were 28 were received. This number has been fairly stable for several previous years.

Policy Complaints	2015/16	2016/17	Change
Corporate Services	2	2	0
Children, Schools and Families	0	1	+1
Environment and Regeneration	26	17	-9
Community and Housing	0	1	+1
<b>Total</b>	<b>28</b>	<b>21</b>	<b>-7</b>

5.6 Of the 17 policy complaints received in Environment and Regeneration a majority concerned three policies: discontinuation of free food waste bags (6), footway parking (4) and removal of dog waste bins (3).

## 6. Local Government Ombudsman (LGO) Enquiries

5.1 The Annual Review letter from the LGO and accompanying report has been presented to CMT and is attached as **Appendix A**.

## 7. Benchmarking

7.1 The Complaints team attends London wide complaints forums which consider best practice issues and the London Complaints Managers Group, which works with the LGO and other agencies.

7.2 Attempts have been made over the past year to develop meaningful benchmarking data but it is difficult to draw conclusions because the recording of complaints continues to vary between councils due to the different complaints procedures and different ways of managing dissatisfaction.

## 8. Member and MP Enquiries

8.1 During the 2016/17 year 2,972 Member Enquiries were received, via the members' enquiry inbox. This represents an increase of 15% on 2015/16 when 2,586 enquiries were received. Enquiries from the two Merton MPs make up around 72.5% of all enquiries. The figure is not a reflection of all member activity, as it does not include enquiries made by members directly to officers, which are dealt with as business as usual.

Department/Service Area - Majority of Enquiries	2015/16	2016/17	% Change
Corporate Services (235 x Revenues & Benefits)	271	304	+12.1%
Children Schools and Families (32 x Schools admissions & 34 x social work)	154	124	-19.4%
Environment and Regeneration (422 x Traffic & Highways, 367 x Waste Services)	1,375	1,495	+8.7%
Community and Housing (907 x Housing Needs)	786	1049	+33.4%
<b>Total</b>	<b>2,586</b>	<b>2,972</b>	<b>+14.9%</b>

## **9. Service improvements and learning from complaints**

- 9.1 Complaints are a valuable source of customer insight and are being used by services to help them identify areas for improvement. The Complaints team seeks feedback from complainants by sending a feedback form with the complaint acknowledgement. The return rate for these is poor but of those returned, it is clear that the main issues are poorly written letters, the responses not answering all the points raised and complainants not being informed of how to escalate their complaint. These points form part of the Data Quality checklist.
- 9.2 There has been a continuing focus by the Complaints team on working with service managers to use complaints as a useful feedback on customer concerns which help them to identify and prioritise service improvements.
- 9.3 As well as helping identify improvements for services, the Complaints Team has been focussing on improving how managers handle complaints. Work continues with business partners to try to improve services' responses.
- 9.4 Where complaints investigations have identified issues around professional practice, processes or individual performance, these have been taken up with the relevant service managers.
- 9.5 In Revenues and Benefits, if a complaint is received about staff attitude on the phone, a member of the Complaints Team attempts to retrieve and listen to the call, if saved. This ensures that the stage one response is fair and impartial.
- 9.6 Complaints are a central component of the new Ofsted inspection framework and we are required to evidence organisational learning from complaints and customer feedback. Detailed information on complaints about the Children, Schools and Families department during 2016/17 is held on file and is available should it be required in the event of an inspection.
- 9.7 The Head of Information Governance attends DMTs every two months to maintain the profile of complaint handling and to discuss areas where performance needs to be addressed.
- 9.8 Members of the Complaints Team attend service meetings on a regular basis to discuss particular complaints and how best to manage their progress.

## **10. Next Steps**

- 10.1 The new Corporate Complaints Policy went live on 1 April 2017. As part of this, informal complaints were removed in their entirety and managed as a request for services by the individual services.
- 10.3 The Complaints team will be reviewing the feedback sent to DMTs, to ensure it meets their needs.

- 10.4 As part of the Customer Contact Programme a new management system (CRM) went live on 5 June 2017.
- 10.5 Changes to waste services have had an impact on complaints. Going forward the Complaints Team will work with waste services to ensure that the team is prepared to answer questions about changes in policy.

## **11. Alternative options**

- 11.1 Not applicable.

## **12. Consultation undertaken or proposed**

- 12.1 The Complaints Officers were consulted on this report.

## **13. Timetable**

- 13.1 The LGO annual letter was received at the end of July 2017.

## **14. Financial, resource and property implications**

- 14.1 During the year a total of £46,468 was offered to complainants either as a local settlement or following decisions by the LGO.

	<b>2016/17</b>	<b>2015/16</b>
<b>Local settlement (Stage 1 &amp; 2)</b>	180	880
<b>Compensation</b>	2,500	2,739
<b>Refund of Fees</b>	310	3,525.26
<b>Payment of Allowances</b>	43,478	0
<b>Total</b>	<b>£46,468</b>	<b>£7,144.26</b>

- 14.2 Stage 3 complaints that are subject to the Children Act regulations require an independent panel. The cost to the council in 2016/17 was £2,039.06. The Complaints Manager must ensure the close monitoring of Stage 2 and 3 social care complaints is in place to ensure costs represent value for money.

## **15. Legal and statutory implications**

- 15.1 The council has a number of legal and statutory obligations in relation to Adults and Children's social care complaints.
- 15.2 There is no statutory requirement to publish this report.

## **16. Human rights, equalities and community cohesion implications**



- 16.1 It is important all those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with Equalities principles.
- 16.2 All complaints where there has been an allegation of discrimination are reviewed the Equalities and Community Cohesion Officer.

## **17. Risk management and health and safety implications**

- 17.1 Poor complaint handling could be a reputational and financial risk to the council, especially with the increase in people using social media to raise awareness of issues.

## **18. Appendices – the following documents are to be published with this report and form part of the report**

- 18.1 Annual Review Letter of the LGO **Appendix A.**
- 18.2 LGO report to CMT **Appendix B.**

## **19. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report**

- 19.1 None

## **20. Report author**

Name: Monica Coleman

Tel: 020 8545 3573

Email: [Monica.coleman@merton.gov.uk](mailto:Monica.coleman@merton.gov.uk)

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20 July 2017

*By email*

Ged Curran  
Chief Executive  
London Borough of Merton

Dear Ged Curran,

### **Annual Review letter 2017**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

### **Complaint statistics**

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **The statutory duty to report Ombudsman findings and recommendations**

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

### **Manual for Councils**

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website [www.lgo.org.uk/link-officers](http://www.lgo.org.uk/link-officers)

### **Complaint handling training**

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training)

Yours sincerely

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman for England  
Chair, Commission for Local Administration in England

**Local Authority Report:** London Borough of Merton  
**For the Period Ending:** 31/03/2017

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
15	12	3	7	12	25	6	10	1	91

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## Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
9	1	34	27	10	12	55%	93

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
10	1

<b>Date of meeting:</b>		<b>Agenda Item:</b>
<b>Title of report:</b>	<b>Complaints Management – Annual Review Letter 2016/17 Local Government Ombudsman</b>	
<b>Lead Director:</b>	<b>Caroline Holland</b>	
<b>Lead Officer:</b>	<b>Monica Coleman, Complaints Team Manager</b>	
<b>To which strategic theme(s) does this item relate?</b>	Sustainable communities	Yes
	Safer & Stronger communities	Yes
	Healthier Communities	Yes
	Older People	Yes
	Children & Young People	Yes
	Corporate Capacity	Yes
<b>Is this item for:</b>	Information only?	Yes
	Discussion?	No
	Decision?	No
<b>If this report is for decision, please list the recommendations that you are making to CMT</b>	<ol style="list-style-type: none"> <li>1. To note the contents.</li> <li>2. To agree the manner in which the council will report on LGO decisions of maladministration / fault</li> </ol>	
<b>Is this report intended to...</b>	Come back to CMT?	No
	Go to Leader's Policy Group?	No
	Go to Cabinet?	No
	Go to Council?	No
	Go to Overview & Scrutiny?	No
	Go to the LSP?	No

## **CMT**

### **Date:**

Agenda item:

### **Subject: Complaints Management – Annual Review Letter 2016/17 Local Government Ombudsman**

Lead officer: Monica Coleman, Complaints Team Manager

Lead member: Councillor Mark Allison

Forward Plan reference number:

Contact officer: Monica Coleman, Complaints Team Manager

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### **Recommendations:**

1. To note the contents of the report.
  2. To agree the manner in which the council will report on LGO decisions of maladministration / fault
- 

## **1. Report and executive summary**

- 1.1 To give CMT an overview of the annual summary of statistics and reasons for complaints made to the Local Government and Social Care Ombudsman (LGO) for the year ended 31 March 2017.
- 1.2 These annual letters are published on the LGOs website.

## **2. Details**

- 2.1 The LGO submits an annual review letter to each local authority in the country which details:-
  - The number of contacts from people wishing to complain
  - The number of complaints not upheld.
  - The number of cases where the LGO decided the council had offered a satisfactory remedy during the local complaints process.
  - The number of cases where the LGO recommendations remedied the fault
  - Statistics on how the complaints upheld against the council were remedied.
- 2.2 The statistics in the annual review letter will not align with the data held by the council because the LGO counts investigations both in the year they are



received and the year they are completed, so the LGO might report investigations twice if they span two separate financial years.. The LGO numbers also include enquiries from people who are signposted back to the council, but who may never contact us. The LGO use their own service headings which although not the same as ours, are clear in relation to which service area the complaint is for.

### 3. Contact

- 3.1 The LGO reported that they had 91 contacts about the council in 2016/17, an increase of 12 on the 79 contacts in 2015/16.

Section	Total
Highways and Transport	25
Adult Care Services	15
Benefits and Tax	12
Environment Services	12
Planning and Transport	10
Education and Children's services	7
Housing	6
Corporate and other services	3
Other	1
<b>Total</b>	<b>91</b>

- 3.2 The council's statistics show that there were 46 contacts from the LGO on different individual cases. This does not include repeat contact on the same case.

Section	Total
Parking	8
Adult Social Care	5
Planning	5
Traffic and Highways	5
Council Tax	4
Children's Social Care	4
Housing	3
Housing Benefit	2
Bailiffs	2
ASB	2

Greenspaces	2
Fostering	1
SEN	1
Environmental Health	1
Waste	1
<b>Total</b>	<b>46</b>

## 4. Investigations

- 4.1 The LGO reports that there were 22 investigations undertaken in 2016/17. This varies slightly from the records held by the council (18 investigations) because the LGO counts investigations that are started in the previous financial year as well as the current if they overlap 2 years. This is an increase on the previous year 2015/16 of 10 investigations. The below shows investigations undertaken in 2016/17.

Department	Section	Number
<b>Community and Housing</b>	Housing	2
	Adult Social Care	4
	<b>Sub Total</b>	<b>6</b>
<b>Environment and Regeneration</b>	Leisure /Greenspaces / Planning (split)	2
	Planning	1
	Garden Waste	1
	Future Merton	1
	Safer Merton	1
	<b>Sub Total</b>	<b>6</b>
<b>Corporate Services</b>	Council Tax Recovery	2
	Enforcement Agents PCN Recovery (split)	1
	<b>Sub Total</b>	<b>3</b>
<b>Children, Schools and Families</b>	Children's Social Care	2
	Education	1
	<b>Sub Total</b>	<b>3</b>
<b>Overall total</b>		<b>22</b>

## 5. Decisions

- 5.1 The LGO reports that they made 93 decisions regarding complaints about the council in 2016/17 up from 79 in the previous year 2015/16. Two decisions were made on contact which took place in the previous year which is why there is a slight discrepancy in number.

Decision	2016/17 Total	2015/16 Total
Not Upheld	10	11
Upheld	12	11
Referred back for Local Resolution	34	28
Closed after Initial Enquiries	27	25
Incomplete or Invalid	9	2
Advice given	1	2
<b>Total</b>	<b>93</b>	<b>79</b>

- 5.2 The statistics the council holds is that there were 45 Final Decisions made by the LGO in 2016/17, there is one Final Decision yet to be made:-

Decision	Total	Percentage of total number of decisions (not investigations)
Not Upheld	8	18%
Upheld	7	15.5%
Case closed, local resolution	1	2.2%
Closed after initial enquiries - no further action	15	33%
Discontinued investigation	3	7%
No investigation straight to Final Decision	9	20%
Out of time / No fault	1	2.2%
Cannot investigate, Ombudsman has no power to do so	1	2.2%
<b>Total</b>	<b>45</b>	

In 2015/16, 6 complaints out of a total of 10 investigations were upheld (60%) compared with 7 complaints out of 18 investigations (39%) in 2016/17.

The decisions are explained as follows:-

- **Upheld:** These are complaints where we the LGO has decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before the LGO makes a finding on fault.

•**Not upheld:** Where the LGO has investigated a complaint and decided that a council has not acted with fault, we classify these complaints as not upheld.

•**Advice given:** These are cases where the LGO gives advice about why the LGO would not look at a complaint because the body complained about was not within the LGO's scope or they had previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.

•**Closed after initial enquiries:** These complaints are where the LGO has made an early decision that they could not or should not investigate the complaint, usually because the complaint is outside LGO's jurisdiction and we they cannot lawfully investigate it or decided that it would not be appropriate in the circumstances of the case to do so.

•**Incomplete/invalid:** These are complaints where the complainant has not provided enough information to be able to decide what should happen with their complaint, or where the complainant withdrawn at any early stage.

•**Referred back for local resolution:** The LGO works on the principle that it is always best for complaints to be resolved by the service provider wherever possible.

### 5.3 Upheld decisions were as follows:-

Reference	Division / Section	Decision
15 010 067	Community and Housing Adult Social Care	Mrs S complained the council failed to deal appropriately with a safeguarding incident where her son walked away from his carer and was lost for over an hour in London. <b>There is evidence of fault and the council has agreed to apologise.</b>
15 008 728	Corporate Services Housing Benefit	The council failed to deal properly with Mr X's claim for housing benefit. The council's failure to respond to Mr X's queries, its delays and its failure to respond properly to

		requests for a review and an appeal caused significant distress and caused Mr X's eviction. <b>The Council agreed to pay Mr X £1,500 plus the £600 already offered.</b>
16 000 773	Environment and Regeneration Waste	Mrs X complains the Council has repeatedly failed to collect garden waste from her when she pays the Council for this service. The Council is taking action to understand the reasons for missed collections to help prevent this in future. It accepted there was fault. <b>It should pay Mrs X £100 to reflect the time and trouble she was put to when reporting the issues and bringing her complaint.</b>
15 018 108	Environment and Regeneration Leisure / Greenspaces	The complaint is about the Council not supporting a Tennis Club's application to register itself on Council owned courts. It is not the Ombudsman's role to question the merits of the Council's decision. <b>The Council has agreed a way to take the issue forward.</b>
16 003 136	Children, Schools and Families Fostering and Adoption	The complaint is upheld. There was fault by the Council in not treating Mrs X as a family and friends foster carer for her brother for over four years. The result of that failing is that Mrs X did not receive the allowances she would have received if the Council had acted without fault. <b>The Council has agreed to pay Mrs X those allowances now which amount to £43,478.</b>
16 007 963	Community and Housing Adult Social Care	The Council did not renew a standard authorisation for X's respite home to deprive him of his liberty. The Council did not tell Ms X, X's carer about new

		waiting list procedures, or when X would have his medical assessment. <b>The Council has apologised and agreed to review its procedures.</b>
15 017 684	Corporate Services Council Tax Debt recovery	The Council gave incorrect advice about a council tax debt and therefore acted unreasonably in referring the debt to bailiffs. <b>Refunding the enforcement fees of £310 the Council pays him £300 and issues him with a formal apology.</b>

## 6. Compensation and Payments

- 6.1 The council paid a total of £46, 288 to complainants following four Final Decisions in 2016/17. The amount paid in 2015/16 was £6,264.26.
- 6.2 £2,100 compensation was paid as a result of a delay and poor handling of a benefits review which caused a family to be evicted.
- 6.3 £100 compensation for Time and Trouble was paid as a result of the council repeatedly failing to collect garden waste. This was the first time the council has paid compensation as a result of a waste complaint.
- 6.4 A £43,478 payment was paid as a result of not treating the complainant as a family and friends foster carer for her brother for over a number of years. This payment was the allowance the complaint was entitled to had she been treated correctly.
- 6.5 A total of £610 was paid as a result of a decision that the council gave incorrect advice about a council tax debt and therefore acted unreasonably in referring the debt to bailiffs. £310 was the refund of Enforcement Fees and £300 in compensation.

	2016/17	2015/16
<b>Compensation</b>	2,500	2,739
<b>Refund of Fees</b>	310	3,525.26
<b>Payment of Allowances</b>	43,478	0
<b>Total</b>	<b>£46,288</b>	<b>£6,264.26</b>

## 7. Next Steps

- 7.1 There is duty under section 5(2) of the Local Government and Housing Act 1989 for the Monitoring Officer to prepare a formal report to the council where

it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

7.2 This requirement now applies to **all** Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by the LGO.

7.3 The LGO has not given a prescriptive manner in which they have said reporting should take place unlike maladministration decisions. Their guidelines say:-

- *Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period.*
- *In a small authority this may be adequately addressed through an annual report on complaints to members, except where:-*
  - *An investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.*
  - *In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.*

7.4 The proposed step would be for the Complaints Manager to continue to prepare an Annual Report on LGO activity for CMT and in addition prepare a report to the Monitoring Officer if either circumstance described above arose.

## **8. Alternative options**

8.1 Not applicable.

## **9. Consultation undertaken or proposed**

9.1 The Complaints Officers were consulted on this report.

## **10. Timetable**

10.1 This is dependant on receipt of the LGO annual letter but the report will be presented to CMT in future with to the Annual Complaints Report.

## **11. Financial, resource and property implications**

11.1 Compensation and payments are paid from the budget of the service complained about. This year due to the high amount of one decision the amount is much more than we would normally expect but this was payment of fees which should have been payable.

11.2 There may be an increase in compensation payable in 2017/18 for waste complaints due to the increase number received on moving to the new contractor.

## **12. Legal and statutory implications**

12.1 The Local Government Ombudsman has statutory powers to investigate complaints under the Local Government Act 1974

12.2 There is now a statutory duty to report on upheld decisions.

## **13. Human rights, equalities and community cohesion implications**

13.1 It is important all those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with equalities principles.

## **14. Risk management and health and safety implications**

14.1 Poor complaint handling could be a reputational risk to the council.

## **15. Appendices – the following documents are to be published with this report and form part of the report**

15.1 Appendix A - Annual Review Letter of the LGO.



**16. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report**

16.1 None

**17. Report author**

- Name: Monica Coleman
- Tel: 020 8545 3573
- Email: [monica.coleman@merton.gov.uk](mailto:monica.coleman@merton.gov.uk)

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## **Committee: Standards and General Purposes**

**Date: 9 November 2017**

Wards: All

### **Subject: Receipt of Gifts and Hospitality by Members**

Lead officer: Paul Evans, Monitoring Officer

Lead member: Chair of Standards and General Purposes Committee, Councillor Peter McCabe

Contact officer: Paul Evans

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#### **Recommendations:**

A. That the committee considers the extract from the register

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#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1. To report entries made to the Register of Gifts and Hospitality for members since the last consideration of the register on 3 November 2016.

#### **2 DETAILS**

2.1. Entries made to the register since the last reports are attached at appendix 1.

#### **3 ALTERNATIVE OPTIONS**

3.1. None – it is for the Standards and General Purposes Committee to comment as it sees fit on the contents of the register

#### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None

#### **5 TIMETABLE**

5.1. The register is updated whenever a declaration is made.

#### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. None

#### **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. Members are required by the Code of Conduct to report offers of gifts, and hospitality. Failure to report may be a breach of the Code of Conduct.

#### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. There are no specific human rights or equalities issues arising from this report. The requirement to ensure that the Council in conducting its activities has proper regard to issues relating to human rights and qualities and fair treatment of all people is a significant component of ethical governance.

#### **9 CRIME AND DISORDER IMPLICATIONS**

9.1. None

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1

**12 BACKGROUND PAPERS**

12.1. None

Gifts and Hospitality – Members - Appendix

Name	Details	Date	Value
Agatha Mary Akyigyina	None		
Stephen Alambritis	Babe the Sheep-Pig VIP Performance, value unknown but in excess of £25 offered by The Polka Theatre ; Value £25	10.12.16	£25.00
	Two tickets to the Mayor of Merton's charity performance of "Dick Whittington", value unknown but in excess of £25 offered by New Wimbledon Theatre	15.12.16	£25.00+
	Ticket to London Symphony Orchestra at Barbican followed by dinner at Smiths of Smithfield. Value unknown but in excess of £25. Offered by Terrapin Communications Ltd.	15.2.17	£25.00+
	Ticket to FA cup Fulham vs Tottenham. Value unknown, in excess of £25. Offered by Terrapin Communications Ltd.	19.2.17	£25.00+
	Hospitality: One ticket to AFC Wimbledon vs MK, value unknown but in excess of £25, offered by Paul Strank Roofing	14.3.17	£25.00+
	Ticket for Merton Music Foundation event at Royal Albert Hall, provided by Mr Brian Kingham. Value £35.00. ; Value £35	08.05.17	£35.00
	Guest of AELTCC at Wimbledon Tennis Championships in Royal Box. Value unknown, in excess of £25	06.07.17	£25.00+
Mark Allison	None		
Stan Anderson	None		
Laxmi Attawar	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 5 July 2017 for which I paid £146	25.07.17	£146.00
Hamish Badenoch	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 13 July 2017	23.06.17	£270.00

Gifts and Hospitality – Members - Appendix

Name	Details	Date	Value
	for which I paid £270		
John Bowcott	None		
Kelly Braund	None		
Mike Brunt	None		
Michael Bull	None		
Adam Bush	None		
Tobin Byers	None		
Charlie Chirico	None		
David Chung	None		
Caroline Cooper-Marbiah	None		
Pauline Cowper	None		
Stephen Crowe	None		
Mary Curtin	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 12 July 2017 for which I paid £270	25.07.17	£270.00

<b>Name</b>	<b>Details</b>	<b>Date</b>	<b>Value</b>
David Dean	None		
John Dehaney	None		
Nick Draper	Complimentary pair of tickets to Mayor's Charity Performance of pantomime at New Wimbledon Theatre. Value unknown but over £25. offered by New Wimbledon Theatre	15.12.16	£25.00+
	Invitation to Promote Business & other Cooperation/Partnership across the arts in Wimbledon with dinner offered by The Ambassador Group, New Wimbledon Theatre, The Broadway, Wimbledon ; Value £30	06.06.17	£30.00
Edward Foley	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 14 July 2017 for which I paid £310	21.6.17	£310
Brenda Fraser	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 6 July 2017 for which I paid £146	25.07.17	£146.00
Fidelis Gadzama	None		
Ross Garrod	Complimentary pair of tickets to Mayor's Charity Performance of pantomime at New Wimbledon Theatre. Value unknown but over £25. offered by New Wimbledon Theatre	15.12.16	£25.00+
	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 4 July 2017 for which I paid £112	25.07.17	£112.00
Suzanne Grocott	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets offered by The All England Lawn	05.06.17	£224.00

Name	Details	Date	Value
	Tennis and Croquet Club. Through the ballot I received 2 tickets for 10 July 2017 for which I paid £224.		
Jeff Hanna	None		
Joan Henry	None		
Daniel Holden	None		
James Holmes	None		
Janice Howard	Entry for 3 people to the Bonfire and Fireworks Display held in Wimbledon Park accepted in capacity as local ward councillor and offered by the London Borough of Merton; Value £10 per ticket	03.11.16	£30.00
	Attendance for me and my husband at the 2017 Partnership Dinner held at the New Wimbledon Theatre as guests of the Theatre's General Manager, Neil Chandler. Value unknown but over £25	06.06.17	£25.00
	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 7 July 2017 for which I paid £190	06.06.17	£190.00
Mary-Jane Jeans	None		
Abigale Jones	None		
Philip Jones	None		
Andrew Judge	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2	25.07.17	£190.00



Name	Details	Date	Value
	tickets for 8 July 2017 for which I paid £190		
Sally Kenny	None		
Linda Kirby	None		
Abdul Latif	None		
Najeeb Latif	Attendance at The Chartered Institution of Highways & Transportation (CIHT) Annual Luncheon by invitation of the JMP Group/Systra. Value unknown but over £25.	09.12.16	£25.00+
	Complimentary blow dry for my wife at the grand opening of the new Rush Hair and Beauty salon in my ward (Wimbledon Village) offered by Rush Hair and Beauty, 37 High Street, Wimbledon, SW19 5BY ; Value £32	18.03.17	£32.00
Brian Lewis-Lavender	1 ticket for the Mayor of Merton's Charity Performance of 'Dick Whittington' at the New Wimbledon Theatre offered by the Ambassadors Theatre Group (New Wimbledon Theatre) ; Value £36	15.12.16	£36.00
Gilli Lewis –Lavender	1 ticket for the Mayor of Merton's Charity Performance of 'Dick Whittington' at the New Wimbledon Theatre offered by the Ambassadors Theatre Group (New Wimbledon Theatre) ; Value £36	15.12.16	£36.00
Edith Macauley MBE	Complimentary pair of tickets to Mayor's Charity Performance of pantomime at New Wimbledon Theatre. Value unknown but over £25. offered by New Wimbledon Theatre	15.12.16	£25.00+
Russell Makin	None		
Peter McCabe	None		

Name	Details	Date	Value
Oonagh Moulton	2 tickets for the Mayor of Merton's Charity Performance of 'Dick Whittington' at the New Wimbledon Theatre offered by the Ambassadors Theatre Group (New Wimbledon Theatre) ; Value £77	15.12.17	£77.00
	1 ticket for the Merton Music Foundation (MMF) concert at the Royal Albert Hall offered by the trustees of the Merton Music Foundation as part of their 'Speak Up, Speak Out' event ; Value £35	08.05.17	£35.00
	Attendance at the 2017 Partnership Dinner held at the New Wimbledon Theatre as a guest of the Theatre's General Manager, Neil Chandler. Value unknown but over £25	06.06.17	£25.00+
Ian Munn BSC, MRTPI (Rtd)	None		
Katie Neep	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 16 July 2017 for which I paid £380	25.07.17	£380.00
Jerome Neill	None		
Dennis Pearce	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 15 July 2017 for which I paid £310	25.07.17	£310.00
John Sargeant	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 11 July 2017 for which I paid £224.	07.06.17	£224.00
Judy Saunders	None		

Gifts and Hospitality – Members - Appendix

Name	Details	Date	Value
David Simpson CBE	1 ticket for the Mayor of Merton's Charity Performance of 'Dick Whittington' at the New Wimbledon Theatre offered by the Ambassadors Theatre Group (New Wimbledon Theatre); Value £38.50	15.12.16	£38.50
Marsie Skeete	None		
Peter Southgate	Entry for 3 people to the Bonfire and Fireworks Display held in Morden Park accepted in capacity as Merton councillor and offered by the London Borough of Merton; Value £10 per ticket	05.11.16	£30.00
	2 tickets for the Mayor of Merton's Charity Performance of 'Dick Whittington' at the New Wimbledon Theatre offered by the Ambassadors Theatre Group (New Wimbledon Theatre) ; Value £77	15.12.16	£77.00
	06/06/2017 - The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 3 July 2017 for which I paid £112	06.06.17	£112.00
Geraldine Stanford	None		
Linda Taylor OBE	03/11/2016 - Entry for 3 people to the Bonfire and Fireworks Display held in Wimbledon Park accepted in capacity as local ward councillor and offered by the London Borough of Merton; Value £10 per ticket	03.11.16	£30.00
	1 ticket for the Mayor of Merton's Charity Performance of 'Dick Whittington' at the New Wimbledon Theatre offered by the Ambassadors Theatre Group (New Wimbledon Theatre); Value £38.50	15.12.16	£38.50
Gregory Patrick Udeh	None		
Jill West	None		

Gifts and Hospitality – Members - Appendix

Name	Details	Date	Value
Martin Whelton	None		
David Williams	None		

## **Committee: Standards and General Purposes**

**Date: 9 November 2017**

Wards: All

### **Subject: Receipt of Gifts and Hospitality by Officers**

Lead officer: Paul Evans, Monitoring Officer

Lead member: Chair of Standards and General Purposes Committee, Councillor Peter McCabe

Contact officer: Paul Evans

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#### **Recommendations:**

A. That the committee notes the report

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. Section 4 of the Council's Code of Conduct for Employees deals with the acceptance of gifts and hospitality by members of staff. Officers are required to ensure that the receipt of gifts approved by their managers and hospitality which they may receive are recorded in their departmental hospitality registers.
- 1.2. This report provides information on gifts and hospitality recorded in the hospitality registers for the period 1 October 2016 to 30 September 2017.

## **2 DETAILS**

- 2.1. The Code of Conduct for Employees requires that:
  - All offers of gifts must be reported to managers
  - Significant gifts (over £25) must be registered on the departmental register
  - Acceptance of gifts should only occur in very limited circumstances and approved in advance by the manager
  - All offers of hospitality must be reported to managers
  - The hospitality (no minimum value) must be registered on the departmental register
  - There are limited circumstances where acceptance of hospitality may be acceptable.
  - Hospitality received in the course for business meeting and at free training does not need to be registered, but managerial approval is required.
- 2.2 The inspection by the Monitoring Officer of the various registers shows that:  
The departmental registers are being maintained electronically in the adopted corporate manner.

Notifications and registrations have taken place in the departments as follows

(Excluding tickets for non-senior officers for the tennis championships)

**Registrations:**

<b>Department</b>	<b>Registrations</b>
Chief Executives	4 (2 accepted)
Children Schools and Families	5 (4 accepted)
Community and Housing	0
Corporate Services	0
Environment and Regeneration	1 (1 accepted)

The nature of the gifts and hospitality accepted can be classified generally as falling within a number of categories

- Project and partnership working hospitality
- Gifts from businesses
- Gifts from individuals

The register does not disclose significant inappropriate acceptances of gifts or hospitality.

**3 ALTERNATIVE OPTIONS**

- 3.1. The Committee could decide not have this information reported to it but has previously recognised that this would not be compatible with its role as the best practice promoter and monitor of ethical standards.

**4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. A review of the registers was reported to Corporate Management team in September 2017

**5 TIMETABLE**

- 5.1. This is an annual report

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. None

**7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. Section 117 Local Government Act 1972 makes it an offence for an officer under the cover of office or employment to accept any fee or reward other than proper pay and benefits.
- 7.2. The receipt or gift of any reward or advantage for an act or omission that suggests favour to any person in their official capacity may constitute a criminal offence under the Bribery Act 2010.

**8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. None

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. None

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. Failure by officers to address their responsibilities under the Code of Conduct could result in disciplinary action by the Council. Failure of the Council to monitor and promote the observance of the Code could result in an unnoticed lack of compliance and managers which may result in complaints, damage to the reputation of the Council, possible adverse impacts upon the quality of the Councils decision making processes and legal challenges to council actions.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1

**12 BACKGROUND PAPERS**

12.1. None

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**London Borough of Merton - Gifts and Hospitality Register (Staff)**  
**01.10.16- 30.09.17**  
**Entries 10**

**Chief Executives Department = 4**

Date	Name and Post	Donor & Details	Accept	if Yes reason
24.11.16	Senior Officer	Leisure and Cultural development - two tickets to Mayor's Charity Performance of Dick Whittington	Yes	Promote Mayoralty
01.06.17	Senior Officer	Royal Horticultural Society - Ticket to the Horticultural Community Lunch - value unknown	No	
03.07.17	Senior Officer	AELTC - Two tickets to Opening Day of Lawn Tennis Championships – approximate value £9000	Yes	Accepted as part of civic duty to LBM
11.09.17	Senior Officer	Polka Theatre – theatre performance	No	

**Children Schools and Families = 5**

Date	Name and Post	Donor & Details	Accept	if Yes reason
28.03.17	Officer	Client – sent flowers	Yes	Flowers were delivered to my desk when returned from meeting. A thank you for securing a school placement for their Son
03.04.17	Officer	Cascade Cars to The Broadway, Wimbledon – Boxes of Chocolates (for Recipient and four Team Members)	Yes	Just dropped off (received at Garth Road)
12.07.17	Officer	Parents - Bracelet	Yes	It would have caused distress to refuse the gift
28.08.17	Senior Officer	Invite to executive dinner	Yes	Not recorded
12.09.17	Senior Officer	Liquidlogic – invitation to drinks and canapé reception	No	

APPENDIX 1

**Community and Housing = 0**

**Corporate Services = 0**

**Environment and Regeneration = 1**

<b>Date</b>	<b>Name and Post</b>	<b>Donor &amp; Details</b>	<b>Accept</b>	<b>if Yes reason</b>
08.09.17	Officer	Ursuline High School – bottle of champagne	Yes	Donated to Mayor's Charity

## **Committee: Standards and General Purposes Committee**

**Date: 9 November 2017**

Wards: All

### **Subject: Progress Report on Risk Management**

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Mark Allison, Deputy Leader of the Council and Cabinet Member for Finance

Contact officer: Zoe Church, Head of Business Planning, 020 8545 3451

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#### **Recommendations:**

- A. That the Standards and General Purposes Committee reviews the adequacy of the risk management framework and the associated control environment
  - B. To consider the Key Strategic Risks and Issues faced by the council, and determine whether these are being actively managed
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to provide a progress report on risk management within Merton, including details of the Key Strategic Risks (KSRs) faced by the council.
- 1.2 The risk management strategy was revised by the Business Planning Team in early January 2017 taking account of recommendations made by the Corporate Risk Management Group on 11 January 2017. The strategy was then approved by Cabinet on 13 February 2017 and approved by Council on 1 March 2017 as part of the 2017-21 Business Plan. The current Risk Management Strategy is at Appendix I.
- 1.3 The procedure for identifying and monitoring risks is that each department manages their risks through their risk registers, and these are reviewed quarterly by DMTs. Any significant risks which may have a strategic impact are escalated by the Corporate Risk Management Group (CRMG) to CMT for inclusion on the Key Strategic Risk Register (KSRR) to ensure that risks which affect the council are being effectively monitored and managed.
- 1.4 Strategic oversight is provided by Cabinet and the Standards and General Purposes Committee.

## **2 DETAILS**

- 2.1. The risk management strategy emphasises the benefits of effective risk management, particularly in the context of budget savings. The strategy includes clear guidance for defining the likelihood and impact of risks, and the appropriate matrices for assessing these. This results in consistency across the council when it comes to scoring and monitoring risk. Where risks

which might affect the Council as a whole are concerned, the strategy clearly sets out the process for escalating risks onto the KSRR.

- 2.2. The procedure for managing risk is laid out clearly in the strategy. Departmental risks are reviewed quarterly by the relevant risk champions and DMTs, to ensure that they have been assessed accurately and in a manner consistent with risk assessment across the organisation.
- 2.3. Risks rated as High (Red) risks must be supported by an action plan to mitigate against the risk. Where possible, the risks are linked to an existing action plan such as a service or project plan, and up-to-date management commentary is supplied to demonstrate progress with mitigation actions.
- 2.4. CRMG meets quarterly within two weeks of the DMT risk review meetings, and subjects the departmental risk registers and the KSRR to thorough scrutiny and challenge. Proposed amendments to KSRs, including the addition or deletion of risks, are escalated to CMT via a quarterly risk report. Any urgent decisions regarding KSRs can be escalated to CMT via the monthly finance and performance report.
- 2.5. In accordance with the risk reporting cycle, the last quarterly review of the KSRR by DMTs took place during September 2017. These reviews were scrutinised at CRMG on 4 October 2017, and a report on the status of the KSRR was subsequently presented to CMT on 24 October 2017.
- 2.6. There are currently 18 Key Strategic Risks and Issues on the KSRR.
  - A Risk is defined as an event which may happen in the future
  - An Issue is something that is happening now.

There are 13 Key Strategic risks, of which three are scored as red risks:

- KSR21/IT24: Failure to adhere to Public Contract Regulations 2015 and Contract Standing Orders
- KSR61/RE16: Failure to deliver the multi-year Savings Programme
- KSR78/ASC06: Legal Challenge

There are five Key Strategic Issues on the KSRR, none of which are scored as red risks.

- 2.7. The latest KSRR, containing full details of all strategic risks and issues together with their associated action plans and management commentary, can be found at Appendix II.
- 2.8. Corporate Risk Management Group also reviews the level of insurance claims against the council on a quarterly basis. At its meeting on 4 October 2017, CRMG noted its expectation of a decrease in motor claims due to implementation of the Phase C contract, as well as the need to review tree maintenance, and also incorporate unoccupied buildings arrangements into the Insurance Strategy which is currently under review.
- 2.9. The next quarterly review of the departmental risk registers will be undertaken during December 2017, and the results will be scrutinised by CRMG in early January 2018 and included in the 2018/22 Business Plan.

- 2.10. Cabinet receives reports on the risk management strategy in order to determine whether corporate risks are being actively managed. Cabinet is also responsible for agreeing the risk management strategy on an annual basis. The Standards and General Purposes Committee provides an independent oversight of the adequacy of the risk management framework and the associated control environment; and must be satisfied that the council's strategic risks are being actively managed.
- 2.11. The risk management strategy is included within the dedicated risk management pages on the Intranet, and informs and underpins all risk management processes. The risk management pages on the intranet have been reviewed and all information is up to date. All departmental risk registers and the KSRR are published on the intranet, along with guidance and information to assist officers who are responsible for managing and monitoring risks.
- 2.12. All internal audit report recommendations are reviewed by the departmental risk champions to ensure all relevant risk issues are addressed, supporting the internal control process.

### **3 ALTERNATIVE OPTIONS**

- 3.1. Not applicable.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. The Corporate Risk Management Group contributed to consultations for the revision of the Risk Management Strategy which is attached at Appendix I. CRMG and CMT will be consulted on the annual revision of the Risk Management Strategy to be undertaken in January 2018.

### **5 TIMETABLE**

- 5.1. Not applicable.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. Improved risk management can potentially benefit all these areas.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. Risk management is a requirement of regulation 4(a) (iii) of the Accounts and Audit Regulations 2015.
- 7.2. Responses to FOI and other statutory enquiries relating to the Council's risks are based upon the published Key Strategic Risk Register within the Council's annual Business Plan. Should departmental risk registers form the subject of FOIs, these are redacted as and when appropriate.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. There is a specific key strategic risk on equalities, KSR 53 - Failure to comply with equalities duties, currently rated as an Amber issue.

### **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. There are no key strategic risks with specific crime and disorder implications.

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. Risk management issues are detailed in this report. There is currently one key strategic risk relating to the health and safety of staff and customers:
- KSR 35 – Safeguarding children, currently rated as an Amber risk

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix I – Risk Management Strategy (January 2017)
- Appendix II - Key Strategic Risk Register

**12 BACKGROUND PAPERS**

- 12.1. Relevant papers held within the Resources Division



# London Borough of Merton

## Risk Management Strategy

Revised January 2016, and Reviewed January 2017

## Policy Statement

Merton's policy is to manage our risks by identifying, assessing and controlling them, with the aim of eliminating or reducing them to acceptable levels whilst being mindful that some risks will always exist and will never be eliminated.

The council recognises its responsibility to risk management by supporting a structured, systematic and focussed approach to risk management through the approval of our risk management strategy.

The effective management of risk is at the core of our approach to delivering cost effective and efficient services as well as sound corporate governance and is a continuous and evolving process, running through our strategies and service delivery arrangements. As risk is very much concerned with our objectives, the management of it will be closely linked to the creation of our strategic, service, project and partnership objectives and plans.

Our risk management process will be continuous and will support internal and external change. The risk management process will be fully integrated with the normal business management processes across the authority.

Merton's aims and objectives in relation to risk management are to:

- Establish and maintain a robust framework and procedures for the identification, analysis, assessment and management of risk, including reporting and recording.
- Minimise the council's exposure to unacceptable levels of risk, minimise injury, damage, loss and inconvenience to staff, residents and service users.
- Integrate risk management into the day to day activities of staff and the culture of the organisation, raising awareness of the importance and need for risk management.
- Assign clear roles and responsibilities for councillors and officers responsible for risk management
- Ensure consistent application of our methodology across all of our activities, including partnerships and projects.
- Effectively manage the total cost of risk.

We will achieve this by:

- Having a clear and concise risk management strategy which underpins our approach and responsibilities to risk
- Incorporating risk management into business planning, project management and service delivery
- Monitoring risk on a regular basis through the Corporate Risk Management Group (CRMG)
- Reporting on risk on a regular basis to the Corporate Management Team (CMT), Cabinet and General Purposes Committee



### **Risk Management Strategy**

The process of identifying and evaluating risks is known as risk assessment. By understanding the risks we face, we are better able to actively recognise where uncertainty surrounding events or outcomes exists, and identify measures which can be taken to protect the council, its staff, residents, customers and assets from these risks.

This strategy provides a structured approach to identifying emerging risks as well as assessing and managing current risks. It also incorporates a process for regularly reviewing and updating identified risks.

This strategy will be reviewed on an annual basis, and updated where required.

### **What is risk?**

Risk is the threat that an event or action may adversely affect an organisation's ability to achieve its objectives and successfully execute its strategies. A risk can be a threat, obstacle, barrier, concern, problem or event that may prevent us fulfilling our objectives.

Our risk management processes also include the assessment of Issues. Issues are current problems, questions, outstanding items, tasks or a request that exists in the immediate present. There is a strong element of fact surrounding it. An issue becomes a risk when the issue cannot be addressed and could continue or get worse.

### **Definition of Risk Management**

Organisations exist to achieve their ambitions, aims and objectives. Risk Management is the process by which organisations methodically address and identify the risks that may prevent them from achieving these ambitions, aims and objectives. The intention is to achieve sustained benefit within each of their activities, and across the portfolio of all their activities.

Ultimately, risk management is about creating a better understanding of the most important problems facing organisations.

Risk is also implicit in the decisions all organisations take; how those decisions are taken will affect how successful they are in achieving their objectives. Decision making is, in turn, an integral part of the day to day existence and is particularly significant in times of change. Risk management therefore is a key component in the management of change and helps to support effective decision making.

We endeavour to identify all risks facing the council and to monitor, manage and mitigate (where possible) all those risks which are deemed to be high (scored Amber or Red). Risks are monitored via Departmental Risk Registers, and key crosscutting risks to the council are also placed on the Key Strategic Risk Register (KSRR).

### **The benefits of risk management**

In addition to the business and service benefits of our approach, we are required to undertake risk management because it forms part of the Annual Governance Statement. We must, therefore, demonstrate that we have a systematic strategy, framework and process for managing risk.

However, the council recognises that the benefits of risk management far outweigh the requirement to undertake the activity and such benefits include:

- Stronger ability to achieve our ambitions, aims and objectives as key risks are managed.
- Better decision making as we are more aware of risk.
- Ability to take advantage of opportunities because we understand the risks attached to them.
- Better governance and the ability to demonstrate it to our stakeholders.
- Reduction in failure, loss, damage and injury caused by risk
- Improvement in our ability to adapt to change
- Improvement in our corporate governance
- Compliance with statutory and regulatory requirements

### **Organisational awareness of risk and risk management**

Ensuring that there is a strong organisational awareness of risk management will be achieved through training sessions, reviews, departmental meetings, briefings and staff bulletins which will take place on a regular basis. Each department has an assigned Risk Champion who will offer guidance to staff where required. The [risk management intranet page](#) will be regularly reviewed and staff will be signposted to the information they need to pro-actively identify and manage risk ie the Risk Management Toolkit and other guidance.

### **Risk Appetite**

The council recognises that its risk appetite to achieve the corporate priorities identified within its business plan could be described in general as an “informed and cautious” approach. Where significant risk arises, we will take effective control action to reduce these risks to an acceptable level.

It is also recognised that a higher level of risk may need to be accepted, for example to support innovation in service delivery. To offset this there are areas where the council will maintain a very cautious approach for example in matters of compliance with the law, and public confidence in the council, supporting the overall “informed and cautious” position on risk.

### **How does risk management integrate with other policies?**

Risk management links closely with Health and Safety, Business Continuity, Emergency Planning and Insurance; by ensuring close links we can enhance our resilience. Generally, a single issue or risk will fall into only one of these categories; however some may fall into two or more. As Business Continuity is a way of mitigating risk, its link with risk management is key to ensuring the continuous delivery of services which are important to the community.



### **Risk management in projects**

Risk management is a key part of the ongoing management of projects and partnerships and is clearly defined in [Merton's Approach to Projects \(MAP\)](#).

### **Risk management in partnerships**

The council is involved in a wide range of partnerships to achieve our ambitions, aims and objectives. It is vital we assess the risks to achievement within our key partnerships, and ensure that they are monitored regularly.

Our methodology for assessing and monitoring risks has been adopted by our key partnerships in order to ensure consistent scoring, and effective integration into our risk management system.

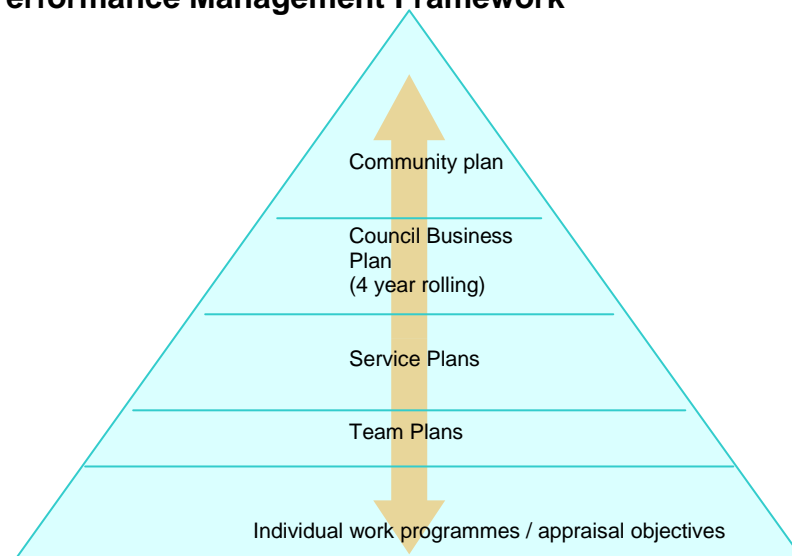
### **Risk management and financial planning**

Risk management is an important part of financial planning. As part of the budget setting process a robust risk assessment is completed, and then reviewed on a regular basis.

### **Corporate approach to risk management**

In order to formalise and structure risk management, it is recognised there is an obvious and clear link with the business planning process and therefore risk management sits within the Business Planning team. The overall council Business Plan, incorporating the individual service plans, sets out what a team, division, department, or the council as a whole, want to achieve within a specific time frame, as shown below.

### **Merton Performance Management Framework**



- CMT is ultimately accountable for delivering the council's Business Plan therefore they are responsible for monitoring and reviewing the KSRR.
- DMTs are responsible for their own services' risk registers.
- Divisions or teams are responsible for their own risk registers, if applicable.

It is important that risks identified and assessed at an operational level can be escalated to a departmental or corporate level. However, because a risk may have a great impact on a team it does not necessarily follow that it may have the same impact on the department, or the organisation as a whole.

Ultimately, it is the respective management team which decides if a risk is an appropriate inclusion on its risk register.

### Scoring Risk

In conjunction with this strategy, more detailed guidance will be issued to assist officers in identifying risks and issues, and the scoring, managing and reporting of those risks identified.

When determining a score for service level risks, definitions of likelihood and impact of risk (Service Level) should be used in conjunction with the matrix below. Therefore, if the likelihood of a risk is 4, significant, (occurs or likely to occur more than 25%, and up to 50% of the time) and the impact is 3, critical, (service provision - service suspended short term) – then the risk rating will be 12 (4x3) which is amber.

### Defining the Likelihood of Risk

Classification	Definition
6 - Very High	Occurs or likely to occur more than 90% of the time
5 - High	Occurs or likely to occur more than 50%, and up to 90% of the time
4 - Significant	Occurs or likely to occur more than 25%, and up to 50% of the time
3 - Possible	Occurs or likely to occur more than 5% and up to 25% of the time
2 - Low	Occurs or likely to occur more than 1% and up to 5% of the time
1 - Almost Impossible	Occurs or likely to occur up to 1% of the time

### Defining the Impact of Risk (Service Level)

Categories	1 Marginal	2 Significant	3 Critical	4 Catastrophic
<b>Financial Impact - FI</b>	Up to 15% gross budget or turnover	Over 15% and up to 50% of gross budget or turnover	Over 50% and up to 75% of gross budget or turnover	Over 75% of gross budget or turnover
<b>Service Provision - SP</b>	Reduced service	Significant reduction	Service suspended short term	Service suspended long term / statutory duties not delivered
<b>Health and Safety - HS</b>	Broken bones / illness	Major illness / threat not life threatening	Loss of life / major illness	Major loss of life / large scale illness (pandemic)
<b>Objectives - O</b>	Objectives of one service area not met	Departmental objectives not met	Corporate objectives not met	Statutory objectives not met
<b>Reputation - R</b>	Adverse local media lead story short term	Adverse local media story long term. Adverse national publicity short term.	Adverse national publicity longer term	Remembered for years

## Risk Matrix

	<b>Likelihood</b>		<b>Impact</b>																																			
6 = Very High 5 = High 4 = Significant 3 = Possible 2 = Low 1 = Almost Impossible	Likelihood	<table border="1" style="border-collapse: collapse; width: 100%; height: 100%;"> <tr><td style="text-align: center;">6</td><td style="text-align: center;">6</td><td style="text-align: center;">12</td><td style="text-align: center;">18</td><td style="text-align: center;">24</td></tr> <tr><td style="text-align: center;">5</td><td style="text-align: center;">5</td><td style="text-align: center;">10</td><td style="text-align: center;">15</td><td style="text-align: center;">20</td></tr> <tr><td style="text-align: center;">4</td><td style="text-align: center;">4</td><td style="text-align: center;">8</td><td style="text-align: center;">12</td><td style="text-align: center;">16</td></tr> <tr><td style="text-align: center;">3</td><td style="text-align: center;">3</td><td style="text-align: center;">6</td><td style="text-align: center;">9</td><td style="text-align: center;">12</td></tr> <tr><td style="text-align: center;">2</td><td style="text-align: center;">2</td><td style="text-align: center;">4</td><td style="text-align: center;">6</td><td style="text-align: center;">8</td></tr> <tr><td style="text-align: center;">1</td><td style="text-align: center;">1</td><td style="text-align: center;">2</td><td style="text-align: center;">3</td><td style="text-align: center;">4</td></tr> <tr><td></td><td style="text-align: center;">1</td><td style="text-align: center;">2</td><td style="text-align: center;">3</td><td style="text-align: center;">4</td></tr> </table>	6	6	12	18	24	5	5	10	15	20	4	4	8	12	16	3	3	6	9	12	2	2	4	6	8	1	1	2	3	4		1	2	3	4	4 = Catastrophic 3 = Critical 2 = Significant 1 = Marginal
6	6	12	18	24																																		
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2	2	4	6	8																																		
1	1	2	3	4																																		
	1	2	3	4																																		
		Impact																																				

### Reporting and escalating risks

All risks on individual service risk registers are reviewed at Departmental Managers Team (DMT) meetings with particular attention given to red or increasing amber risks.

Risks are also checked for any cross cutting implications. If the risk is high scoring and/or could have an impact across the organisation, then it must be rescored using the Defining the Impact of Risk (corporate level) criteria below, prior to inclusion on the Key Strategic Risk Register.

### Defining the Impact of Risk (Corporate Level)

Categories	1 Marginal	2 Significant	3 Critical	4 Catastrophic
<b>Financial Impact - FI</b>	Up to £2.5m per annum or up to £10m one off	£2.5m up to £5m per annum or up to £20m one off	£5m up to £7.5m per annum or up to £30m one off	£7.5m up to £10m per annum or above £30m one off
<b>Service Provision - SP</b>	Reduced service	Significant reduction	Service suspended short term	Service suspended long term / statutory duties not delivered
<b>Health and Safety - HS</b>	Broken bones / illness	Major illness / threat not life threatening	Loss of life / major illness	Major loss of life / large scale illness (pandemic)
<b>Objectives - O</b>	Objectives of one service area not met	Departmental objectives not met	Corporate objectives not met	Statutory objectives not met
<b>Reputation - R</b>	Adverse local media lead story short term	Adverse local media story long term. Adverse national publicity short term.	Adverse national publicity longer term	Remembered for years

## Monitoring and Managing

During the year, new risks will arise that have not previously been considered and there may be changes to existing risks. Therefore the risk registers need to be regularly managed, with risk owners re-assessing their risks, re-scoring them if appropriate, and providing sufficient narrative in respect of the Control Measures they have in place (ie the actions which they are taking to mitigate against the risk). The reviews of risk registers should be managed by exception. The reporting cycle as detailed below, takes place during April, July, October and January.

1 <sup>st</sup> week	2 <sup>nd</sup> week	4 <sup>th</sup> week
DMT – review operational service risks and propose KSRs as per the definitions of likelihood and impact for crosscutting risks	Corporate Risk Management Group (CRMG) – review service risks and proposed KSRs	CMT – identify and review KSRs

All risks are reviewed according to the quarterly cycle shown above, with a particular focus upon red risks, and also upon amber risks which have increased their risk score since the previous quarterly review.

There are no rigid guidelines for dropping risks from the registers because clear parameters are not always possible. Removal of any risks from the registers must be approved by DMTs and then CRMG. A decision is sometimes taken to keep a low-scoring risk in view on the basis that its status might change over a short period, or so that those with an assurance role can be confident that mitigation against a risk can be sustained.

A flowchart showing how service, departmental, corporate and partnership risks are escalated and reported is shown on the final page of this Strategy.

## Roles, Responsibilities and Governance

### Councillors

Elected councillors are responsible for governing the delivery of services to the local community. Councillors have a responsibility to understand the key risks the council faces and will be made aware of how these risks are being managed through the annual business planning process. All Councillors will have a responsibility to consider the risks associated with the decisions they undertake and will be informed of these risks in the plans and reports submitted to them.

### Chief Executive and CMT

The Chief Executive and CMT are ultimately accountable in ensuring that risk management is fully embedded in the council's business planning and monitoring processes as well as having overall accountability and responsibility for leading the delivery of the council's Risk Management Strategy and Framework. CMT will take a leading role in the risk management process, ensuring that risk management is communicated, understood and implemented by Councillors, managers and staff. CMT will also play an important role in establishing a supportive culture.

CMT will submit an annual report on risk to the General Purposes Committee and Cabinet.

### **Directors**

Each Director is accountable for proper monitoring of their departmental risk register, action plans and the embedding of risk management into the business planning process of their directorate. They will need to be actively involved in the risk management process within their department and CMT, including nominating an appropriate Risk Champion for their department. Directors are also accountable and responsible for leading the delivery of the council's Risk Management Framework in their respective Directorate.

### **Section 151 Officer / Internal Audit**

The Section 151 officer and Internal Audit will be responsible for carrying out independent reviews of the risk management strategy and processes. They will provide assurance and give an independent and objective opinion to the council on the adequacy of its risk management strategy, control procedures and governance.

An annual Audit Plan, based on a reasonable evaluation of risk, will be carried out and an annual assurance statement will be provided to the council based upon work undertaken in the previous year. The section 151 officer will chair the CRMG group.

### **Risk Champions**

Risk champions will work with their Director, Heads of Service, Managers and Team Leaders to ensure the RM Strategy and Framework is embedded in the Directorate and departmental planning, performance, project and partnership management, offering support and challenge. They will also represent their directorate at CRMG meetings.

Risk Champions will ensure that risks are identified, assessed and scored correctly by the Risk Owners, offering advice and guidance where appropriate. They will also challenge risk scores where they do not appear to be reasonable, or where they contradict the Control Measures narrative or the corporate Risk Scoring Guidance.

All Risk Champions will receive appropriate training to ensure that they can perform their role effectively. Training needs will be regularly evaluated.

### **Service Managers**

Managers have a responsibility not only for the risks for which they are the risk owner, but are also accountable for those risks, within their service, which are owned / managed by others.

They are required to maintain an awareness of risk and ensure that any risks they identify are captured by the risk management process, understanding and responding to the key risks which could significantly impact on the achievement of their service and/or team objectives. Managers should encourage staff to be open about risk so that appropriate mitigation actions and control measures can be agreed.

### **Risk Owners**

Risk owners are responsible for identifying and implementing appropriate actions which will mitigate against risks they own and reduce these risks to an level acceptable to the organisation. They are required to regularly review the effectiveness of their control measures and provide a formal update to DMTs and CRMG on a quarterly basis as part of the risk review cycle.

### **Individual Employees**

Individual employees need to have an understanding of risks and consider risk management as part of their everyday activities, identifying risks deriving from their everyday work, processes and environment. Risks which could impact on service delivery, the achievement of objectives, or their own or others' wellbeing must be identified and actively managed, with mitigating actions in place where appropriate.

### **Business Planning team**

The business planning team is responsible for ensuring that risk management is embedded throughout the council, as well facilitating and supporting the risk management process and supporting risk owners.

The team will ensure risk management documentation and intranet pages remain up to date and relevant, as well as updating the KSRR with emerging risks, new risks and updating existing risks.

In addition the Business Planning team will ensure risk is part of the annual service planning process, facilitate the CRMG meetings, and submit strategic updates and reports on risk management to CMT, Cabinet, Audit and Assurance Committee etc. as required.

### **Corporate Risk Management Group**

The Corporate Risk Management Group will provide strategic direction and leadership to ensure our risk strategy is maintained and updated and that risks are appropriately identified and managed within the organisation. It will provide a forum for the detailed discussion and monitoring of organisational risks for the benefit of the council, its staff and the wider community.

CRMG will strive to ensure that the risk management framework is embedded within the council's overall strategic and operational policies, practices and processes in a consistent and standardised manner.

In addition it will provide assurance that all risk systems and processes are operating effectively to minimise the Council's overall exposure to risk. The headline departmental risks and planned mitigation activity reported by each department will be discussed by CRMG on a quarterly basis. CRMG will then report its conclusions and recommendations for discussion at CMT.

### **Cabinet**

Cabinet will receive reports on the risk management strategy to determine whether corporate risks are being actively managed. They are responsible for agreeing the strategy on an annual basis, or when significant changes are made, and to report to full Council on the adequacy of the risk management framework.



**Standards and General Purposes Committee**

To provide an independent oversight of the adequacy of the risk management framework and the associated control environment. The committee will receive an annual review of internal controls and be satisfied it properly reflects the risk environment and any actions required to improve it. Reports will also be provided regarding the KSRR in order that the committee can determine whether strategic risks are being actively managed.

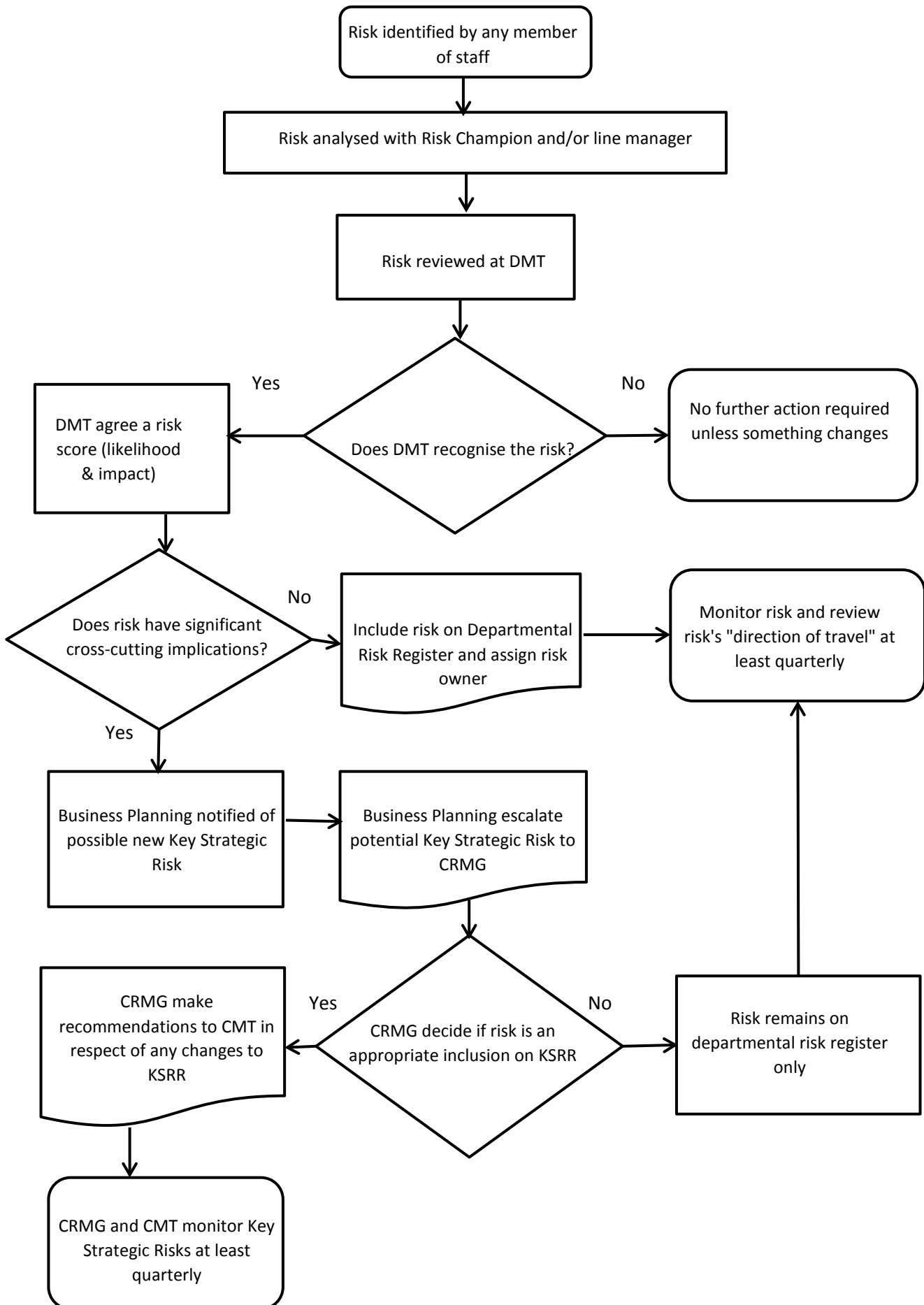
On an annual basis, the committee will review and recommend the adoption of the risk management strategy to cabinet, or if significant changes are identified, to request a revision.

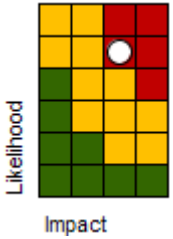




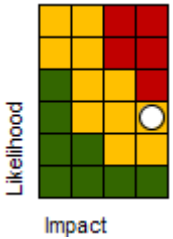




**Risk management in committee reports**

When a report is submitted to a committee the author is required to complete a section on Risk Management and Health and Safety Implications. The committee should be informed of any significant risks involved in taking a recommended course of action, or if it decides not to follow the recommended course of action. The risk assessment should follow the corporate risk management procedures and be scored using the risk matrix. The report should also give details of any control measures (either proposed or existing) to manage any significant risks identified. Where appropriate, reference should be made to any existing risk(s).

Report authors are advised to consult with the Business Planning team or their departmental Risk Champion, for further advice and to propose any risks to be considered for inclusion in the departmental or KSRR.

## London Borough of Merton Risk Management Process

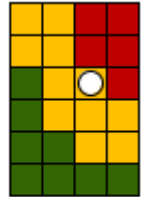




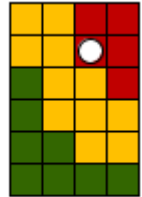






Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
Jenny Rees	ASC06 / KSR78 Legal challenge	Key Strategic Risk	Decisions by staff, such as where an individual is placed, being challenged by carers through legal processes. The likelihood of challenges are likely to increase due to budget pressures and changes to service provision.	Can increase costs of placements and prevent other developments as well as taking staff time attracting legal costs		15  25-Sep-2017	R	This is being monitored and reviewed via management processes. As a result of a previous legal challenge, steps have been taken to ensure that our agreements and processes are more robust and able to withstand legal scrutiny.  The following measures have also been implemented:  Outcomes Panel set up.  Legal advice can only be sought following agreement by Service Managers. The expectation is that Team Managers will look up issues by referring to Care Act statutory guidance.  Monthly meetings between ASC Managers and Legal are now taking place to enable group learning and advice to take place.  The ASC Learning Programme has specific events for promoting legal literacy and specific legal topics such as eligibility under the Care Act and NRPF.  Pam Clarke will be keeping a tracker of legal cases across ASC and this list will be taken to DMT.	19 Oct 2017
						15  20-Jul-2017			
						12  26-Jun-2017			
						12  23-Mar-2017			
Gemma Blunt	ASC21 / KSR77 Deprivation of Liberty Safeguards (DOLS)	Key Strategic Risk	A recent court ruling widens the criteria for people that can be defined as being subject to a DoL,	Government have not made any additional resources available for this new burden, so there is a cost pressure in relation to the cost of health assessments. Current levels of trained staff to conduct assessments and		12  22-Sep-2017	FI / SP	Merton is prioritising work in accordance with the ADASS framework, which means that those most in need of this safeguard receive it in a timely manner.  A paper will be going to CMT on 28 November with regard to the DOLS process.	19 Oct 2017
						12  26-Jun-2017			
						12  21-Mar-2017			
						12  31-Jan-2017			

Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
				reassessments are not adequate to cope with the additional workload, resulting in the potential of challenge if clients have been detained unlawfully. This affects all authorities with social care responsibilities and Merton is not out of kilter with other authorities' positions.					
Sophie Ellis	BI18 / KSR68 Inability to deliver TOM's across the organisation	Key Strategic Risk	Inadequate delivery planning for TOM's across the organisation. Unanticipated changes in delivery context, including additional financial reductions.	Ambition set out in TOM is not achieved.		4  12-Sep-2017	O	Routine reporting to MIB by departments in place.	13 Jun 2017
						4  13-Jun-2017			
						4  16-Mar-2017			
						6  19-Dec-2016			
Kris Witherington	BI39 / KSR74 Failure to consult in general (formerly CS17/KSR74)	Key Strategic Risk	Failure to adequately consult over changes to Council services and policies, and/or the design and implementation of projects etc	Inadequate consultation carries the risk of increasingly robust scrutiny and challenge, including Judicial Reviews.		6  15-Sep-2017	R, FI	The standards expected for consultation are described in the Community Engagement Strategy ("Get Involved") which was agreed by the Merton Partnership in 2010 and refreshed in 2014. All Council consultations should be listed on the Council's online consultation database, having been approved by the Consultation and Community Engagement Team. Support for services is available including training around the need for consultation, design, and legal obligations.  We will be reviewing the standards set out in the Community Engagement Strategy to make sure it complies with current best practice and providing a briefing for staff on the LGA New Conversations, their guide on consulting communities.	15 Sep 2017
						6  13-Jun-2017			
						6  16-Mar-2017			
						6  19-Dec-2016			

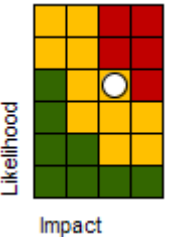




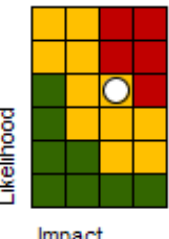




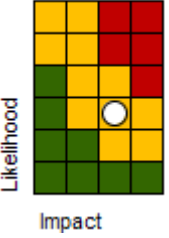




Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
Yvette Stanley	CSF01 / KSR35 Safeguarding children	Key Strategic Risk	Potential for less effective inter-agency working. Changing expectations & updated regulatory framework. Ongoing budget pressures across all agencies could undermine Merton Model.	Child protection & safeguarding issues including possible child death or serious harm. Possible increase for high cost interventions.		12  29-Sep-2017	R	LSCB Business Plan & refreshed CYPP. Reconstituted CYP partnership board. Strengthened MSCB governance. Undertaken refresh of the Merton CYP and Family Wellbeing Model. Ongoing rigour in conversations with partner agencies and third sector to improve understanding and responsibility of safeguarding. Launched consultation on CSC Practice Model. Agencies signed up to Signs of Safety and Think Family, planning next steps including post Ofsted action plan.	29 Sep 2017
						12  03-Jul-2017			
						12  31-Mar-2017			
						12  21-Dec-2016			
Charles Baker; Graeme Kane	ER112 / KSR73 Waste disposal overarching risk (sub risks ER 113 to ER 117)	Key Strategic Risk	1. Increase in waste disposal costs 2. Increase of waste to landfill 3. Construction work at Beddington Lane Sub-risks ER113 to ER117 provide additional detail to this overarching risk	1. Increased costs for waste disposal 2. Operational difficulties 3. Performance may be affected (more landfill, less recycling and more missed bins) 4. Political fallout		8  19-Sep-2017	FI/R/O	The sub risks are being removed and adjusted where required. This one is reviewed on a regular basis to see if there are any changes to be made.	19 Sep 2017
						8  27-Jun-2017			
						8  29-Mar-2017			
						12  13-Mar-2017			
Paul McGarry; James McGinlay	ER118 / KSR75 Impact of Crossrail 2	Key Strategic Risk	Impact on councils income, commercial activity in Wimbledon Town centre and Weir Road	1. Financial impact on council and services 2. Economic impact on Wimbledon Town Centre and the borough (potential loss of businesses and jobs) 3. Council reputation		12  19-Sep-2017	FI	Awaiting Treasury information with further consultation due in the Autumn.	19 Sep 2017
						12  27-Jun-2017			
						12  13-Mar-2017			
						12  09-Dec-2016			
Mark Humphries	IT03 /KSR48 IT Systems	Key Strategic Risk	Major disruption in the civic centre causing 6th floor data centre to become unusable	IT failure leading to unavailability of IT services impacting on organisational service delivery.		12  04-Sep-2017	SP	Report on recommended remedial works being drafted for consideration by CMT, and preparations for full test of DR arrangements on programme for completion in December 2017.	04 Sep 2017
						12  06-Jun-2017			
						12  09-Mar-2017			
						12  06-Dec-2016			

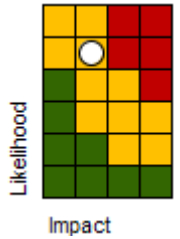




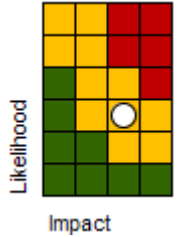




Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
Caroline Holland; Mark Humphries	IT24 / KSR21 Failure to adhere to Public Contract Regulations 2015 and Contract Standing Orders (previously RE03)	Key Strategic Risk	Lack of awareness in some areas that procurement is a tightly regulated area of council activity.	Impact on strategy and time for procurement exercises. Adverse budget and service implications if not carried out correctly in accordance with regulations and standing orders such as legal challenges and slower identification, capture and delivery of savings. Reputational risk.		15  22-Sep-2017	R	Contract Standing Orders have been approved by the Standards and General Purposes Committee before going on to full council in November 2017. However until new operating procedures, staff training and guidance have been implemented there still remains a significant risk.	19 Oct 2017
						12  04-Sep-2017			
						15  26-Jun-2017			
						12  07-Jun-2017			
Page 106  Caroline Holland	MPF11 / KSR72 Failure to procure investment managers in good time and undermine Fund performance	Key Strategic Risk	Failure to review investment strategy and investment management arrangement within appropriate timescales resulting in failure to improve performance of investments.	Investment mandates incompatible with incumbent fund managers to the detriment of the Fund. Fund may fail to meet its investment and funding objectives in the short to medium term.		12  15-Sep-2017	FI, R	<p>Work collaboratively with the London CIV, other London Boroughs, LB Merton incumbent fund managers and JLT to implement the new LB Merton Pension Fund investment strategy in 2017/18. Ensure regular meetings and discussions are held to initiate manager procurement via the CIV in June/July 2017 for Private Debt and Multi Asset Credit. At the same time, Officers and JLT will be evaluating the CIV's other offering for suitability for our investment strategy. Monitor the CIV's procurement timetable and act appropriately in the Fund's interest.</p> <p>Following officers/JLT meetings with the incumbent managers in July 2017, significant progress has been made in scoping the structure of mandates.</p> <p>The CIV offer a diverse range of active Global Equity products so the Pension Fund active Equity mandate(s) could be implemented via the CIV.</p> <p>Passive Equity and Real Estate can be implemented with UBS, BlackRock or LGIM (or a</p>	02 Oct 2017
						12  15-Sep-2017			
						12  14-Jun-2017			
						12  06-Apr-2017			

Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
								combination of these managers). As for illiquids (Private Credit, Infrastructure and Multi Asset Credit), good progress has been made with the CIV initiating action on the more liquid end of the spectrum (Bond/Multi Asset Credit). However, the CIV is aiming to launch the more illiquid products in May 2018. This is inconsistent with officers' implementation timeframe and therefore, are actively exploring partnership opportunities with other London Boroughs including Wandsworth and Ealing with the aim of appointing manager(s) before 31st March 2018.	
Page 107 The Church; Caroline Holland	RE02 / KSR49 Developing corporate Business Plan & setting a balanced budget for 17/21 & beyond	Key Strategic Risk	Reduced budgets may impact negatively on service delivery levels	Impact on service provision, reputation, staff morale & internal & external customers satisfaction		12  14-Sep-2017	FI	Savings targets have been raised as additional information has become available. A Budget report has been submitted to September 2017 Cabinet. No change to risk rating.	04 Oct 2017
						12  15-Jun-2017			
						12  22-Mar-2017			
						15  05-Dec-2016			
Caroline Holland	RE16 / KSR61 Failure to deliver the multi-year Savings Programme	Key Strategic Risk	Savings of £30m have been agreed for the period 2016/17 to 2019/20, the period of budget decisions required by this council.	Non achievement of any significant saving would adversely impact on the authorities ability to balance its budget in the medium to long term if larger than the contingency and could require reserves to be reinstated.		15  15-Sep-2017	F	The monthly monitoring report is forecasting a shortfall in 17/18 savings of £1.7m (approx. 20% of the savings target). The projected overspend in 17/18 is £1.4m so the delivery of these savings is critical to balance the budget. Delivery of savings will continue to be monitored and reported which will include the impact on 18/19.	15 Sep 2017
						15  08-Jun-2017			
						15  30-Mar-2017			
						15  31-Jan-2017			

Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
Corporate Management Team	RE20 / KSR76 Inability to respond effectively to post-Brexit changes	Key Strategic Risk	Inefficient response to the inevitable changes brought about by Brexit ie inability to demonstrate flexibility, organisational resilience, or ability to capitalise on potential opportunities.	Inadequate budget management and planning in a period of rapid change, negative impact upon service delivery across all areas of the council's work, failure to identify and respond to positive opportunities arising from Brexit.		8  15-Sep-2017	FI, R, P, SD	Officers are monitoring the evolving political and economic environment following Thursday 8th June general election which produced a hung parliament and any potential impact on Brexit negotiations.	14 Jun 2017
						8  14-Jun-2017			
						8  15-Mar-2017			
						8  19-Dec-2016			



Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
Yvette Stanley	CSF04 / KSR55 Changing Borough Demographics	Key Strategic Issue	Increases in both the total population in the borough, including in particular families with young children, & also in the mix of the population with respect to ethnicity, disability & deprivation.	Additional demand for services for children with special educational needs & disabilities, as well as pressure for growth in children's social care & child protection interventions including support for families with no recourse to public funds.		12  29-Sep-2017	O	CSF Service Plans identify current control measures, these include reviewing and strengthening the eligibility criteria, step up step down process and consistently managing demand. The SENDIS Improvement plan continues regularly reviewed and updated with clear actions set out to strengthen the service delivery. Interim Head of Service maintained to ensure CWD stability and improvement and transfer from Education Division to CSC Division.	03 Jul 2017
						12  03-Jul-2017			
						12  31-Mar-2017			
						12  26-Jan-2017			
Jane McSherry	CSF05 / KSR34 School places	Key Strategic Issue	We are expecting 200-250 additional admissions applications for pupils to start secondary school in September 2018	With only 150 spare places in our current year 7; these being at schools to the far west and east of the borough where there is less demand, if extra provision is not provided it is likely the council will not meet its duty to provide sufficient school places in Sept 2018		12  20-Oct-2017	R	Opening of Harris Academy Wimbledon (Free School) from September 2018. However, this opening is at risk. If, following a review in early 2018 it is deemed opening is not possible and the Education and Skills Funding Agency defer the opening of the school alternative plans for additional school places would need to be implemented, which would be reviewed again to ensure there is demand after secondary school admissions offer day on 1 March 2018.	20 Oct 2017
						9  03-Jul-2017			
						9  31-Mar-2017			
						9  21-Dec-2016			
Children, Schools & Families	CSF06 / KSR56 CS&F funding changes, budget savings & resource management	Key Strategic Issue	Continued uncertainty regarding changes to funding regimes & external grants, & concurrent additional statutory duties & demographic pressures. Move to national funding formula for DSG expected from 2017/18 onwards, & the impact of maintained schools becoming academies through to 2022. Insufficient funding for new burdens: C&F Act; NRTPF; Leaving Care. Requirement to make significant savings over next 3-4 years. Need to balance competing & increasing demands at time of contracting resources & extensive change.	Impact on ability to provide statutory services, possibility of undermining the Merton Model, causing additional spend pressures in targeted services. Low staff morale, difficulties in managing the impact of the Workforce Management Strategy. Time & effort required to manage change & meet expectations of members & central government may lead to failures in the management of ongoing operational work.		9  29-Sep-2017	FI	Monitor Government proposals, consultation response & implications fed into budget & MTFS. Budget savings identified & analysed for impact including equality assessments, TOM & Service Planning work. All CSF Divisional Service Plans, School Improvement Strategy, NRTPF Working Group Strategy Plan, and Children and Family Act Implementation Plan. NRTPF demand management plan in place. TOMS and MTFS savings all progressing. Budgeted growth agreed for 2017/18 and future years in MTFS.	29 Sep 2017
						9  03-Jul-2017			
						9  31-Mar-2017			
						9  31-Jan-2017			

Risk Owner	Code & Name	Risk or Issue	Cause	Consequences	Matrix	Current Score & Review History	Impact code	Control Measures in place	Date of comments
Yvette Stanley	CSF09 / KSR62 Recommissioning Early Intervention and Prevention (Partnership)	Key Strategic Issue	Likely reduction in contracting with local third sector leads to reputational & political risk.	Destabilisation of the Local Strategic Partnership & Children's Trust Board partnership arrangements.		10  29-Sep-2017	R	Ongoing engagement with sector re: reductions in commissioning budgets. Current procurement exercise for residual commissioned services for 2017-20 advertised widely to local sector and contracts awarded.	21 Jul 2017
						10  03-Jul-2017			
						10  31-Mar-2017			
						10  21-Dec-2016			
John Dimmer; Yvette Stanley	RE11 / KSR53 Failure to comply with equalities duties	Key Strategic Issue	Failure to evidence how equalities implications have been considered in developing new policy, designing services & decision making	Reputational impact for council, risk of judicial review & litigation, negative impact on service users and loss of savings.		9  14-Sep-2017	O/R/FI/SP	The Council adopted a new Equality Strategy on 12 April. There has been positive feedback from the voluntary sector and partners on the new Strategy and the approach taken. We have streamlined the strategy and more closely aligned it with Service Plans to assure delivery.	14 Jun 2017
						9  14-Jun-2017			
						9  13-Mar-2017			
						9  16-Dec-2016			

**Committee:**

**Date:**

Wards:

**Subject:**

Lead officer:

Lead member:

Contact officer:

**Recommendations:**

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1.

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**1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1.

**2 DETAILS**

2.1.

**3 ALTERNATIVE OPTIONS**

3.1.

**4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1.

**5 TIMETABLE**

5.1.

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1.

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1.

**8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1.

**9 CRIME AND DISORDER IMPLICATIONS**

9.1.

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

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**12 BACKGROUND PAPERS**

12.1.

## **Committee: Standards and General Purposes Committee**

**Date: 9 November 2017**

Agenda Item

Wards: Figges Marsh, Longthornton, Dundonald, Cannon Hill

### **Subject: Review of Polling Places**

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Mark Allison

Contact officer: Andrew Robertson, Head of Electoral Services

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#### **Recommendations:**

- A. That the Standards and General Purposes Committee recommends that the full council agrees the designation of the Acacia Adventure Playground building as the polling place for polling district HD in Figges Marsh Ward, and retains the use of the Acacia Centre for polling district IE in Longthornton Ward.
  - B. That the Standards and General Purposes Committee recommends that the full council agrees that Dundonald Recreation Ground Pavilion replaces Dundonald Primary School as a polling place for polling district PA in Dundonald Ward.
  - C. That the Standards and General Purposes Committee recommends that the full council agrees that Joseph Hood Primary School replaces Merton Adult College as a polling place for polling district SA in Cannon Hill Ward.
- 

#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 A new polling place is required in Figges Marsh ward due to the loss of the Acacia Centre as a double polling station for polling district HD in Figges Marsh Ward and polling district IE in Longthornton Ward.
- 1.2 In Dundonald Ward, the construction of the Dundonald Recreation Pavilion has now been completed and the building is available to be used as a polling place instead of the Dundonald Primary School for polling district PA.
- 1.3 In Cannon Hill Ward, a new polling place is required because the current site at Merton Adult Education will be undergoing redevelopment to turn it into a temporary secondary school.

#### **2 DETAILS**

##### **Figges Marsh Ward and Longthornton Ward;**

- 2.1 In 2016, the polling place for polling district HD in Figges Marsh Ward and polling district IE in Longthornton Ward was the Acacia Centre, 230 Grove Road. The Majestic Hall inside the centre was used for both polling stations. However, from 2017 the hall has been rented out for office space. There is an alternative room at the Acacia Centre (the Exchange Room) that can be used

instead of the Majestic Hall, but it is only large enough to accommodate one polling station.

- 2.2 Following a site visit in February 2017, the Acacia Adventure Playground building, which is adjacent to the Acacia Centre, was assessed as meeting the requirements of a polling place, benefitting from step free access and external lighting. However, it only had sufficient space for one polling station. Therefore it was proposed to the Figges Marsh and Longthornton ward Cllrs that the Adventure Playground Building became the polling station for polling district HD in Figges Marsh ward and the Acacia Centre remained as the polling station for polling district IE in Longthornton Ward.
- 2.3 This proposal was given provisional approval, however, before it could be brought to full council the government announced that a general election would be held on 8 June 2017. Therefore after approval from ward Cllrs and group leaders, it was decided that this proposal would be carried out on polling day.
- 2.4 In practice the idea worked well. The proposal was decided upon in order to minimise the amount of disruption to electors. With the Adventure Playground as the polling station for polling district HD, access lent itself easily to Figges Marsh residents. Despite being linked to the Acacia Centre, the Adventure Playground has its own independent access off Acacia Road, which is where most Figges Marsh residents approach the Adventure Playground on foot. Figges Marsh residents driving to the polling station also no longer have to navigate the roundabout/level crossing at Mitcham Eastfields station, as they did when visiting the Acacia Centre.
- 2.5 Electors living in IE polling district were not impacted by this change, as they were required to visit the Acacia Centre as usual. Whilst the building is located in polling district HD, the location of the Acacia Centre means that it is more easily accessed by electors from polling district IE, who mainly approach from Grove Road.
- 2.6 A number of Figges Marsh residents did go to the Acacia Centre by mistake on polling day, but they were re-directed to the Adventure Playground by polling station staff with very little inconvenience, with access being through the rear of the Acacia Centre. In future elections the Figges Marsh residents will be more familiar with the new location and this confusion will reduce.

**Dundonald Ward:**

- 2.7 In 2016, the polling place for polling district PA was the Dundonald Primary School. The polling station was located in the nursery building meaning that the school did not have to fully close. However, the development of the school in late 2016 meant that this option was no longer possible for future elections, meaning that the school would have to close if used as a polling station.
- 2.8 Therefore when the government announced that a general election would be held on 8 June 2017, to avoid closing the school, it was proposed that the

polling station be moved to the newly built Dundonald Pavilion. This building was visited and was assessed as meeting the requirements of a polling station. The polling station itself is located on the first floor, however the building has a lift, step free access, external lighting, and is located adjacent to the school.

- 2.9 Councillors and group leaders accepted the proposal and the building was used as a polling station for the general election on 8 June 2017. Unfortunately on polling day there was an issue with the lift, which was out of order for about an hour. An engineer was called and the problem was solved relatively quickly, and in the meantime staff brought the ballot box down to those electors who were unable to walk up the stairs. However the fact that the polling station was located on the first floor did result in some complaints from electors.
- 2.10 It is not possible to use the ground floor of the pavilion as a polling station as this space is taken up by changing rooms. Therefore if the pavilion continues to be used as a polling station for future elections, contingency plans will be made to have an engineer on standby on polling day to try and offset any problems with the lift. Presiding Officers will also be instructed to keep a member of staff downstairs for the duration of the day, so they can take electors upstairs in the lift, or inform Presiding Officers when an elector needs the ballot box brought down to them in the case of the lift being out of order.

### **Cannon Hill Ward**

- 2.12 In 2016, the polling place for polling district SA in Cannon Hill ward was the Merton Adult College in Whatley Avenue. However, in late 2016 this building was mothballed pending future development, meaning that on health and safety grounds it was unsafe to use as a polling station for the General election on 8 June 2017.
- 2.13 Therefore due the lack of any other real options, it was proposed that the adjacent St Joseph's Primary School was used as an alternative venue. This proposal was accepted by councillors and group leaders. Regrettably the school was required to close for the day to accommodate polling, however no complaints were received from parents or residents. Staff at the school are amenable to the school being used as a polling station for future elections.
- 2.14 The Merton Adult College will soon be undergoing redevelopment to turn the building into a temporary secondary school, so it will be unavailable to use as a polling station for the 2018 elections and 2020 elections. Therefore it is proposed that the St Joseph's Primary School be used as a polling station until further notice until the permanent future of the Merton Adult College building is determined.

## **3 ALTERNATIVE OPTIONS**

### **FIGGES MARSH WARD AND LONGTHORNTON WARD**

- 3.1 Located in polling district IE, the Lonesome Primary School is the obvious alternative to the Acacia Centre. Following a site visit, the school office staff were helpful and were cautiously positive about the school making itself available as a polling station. The school hall is large enough to accommodate two polling stations, and the school has step free access. However, during the site visit it was judged that to be used as a polling station the school would have to close. Schools are only generally used as polling stations if there are no alternative options within the polling district. Therefore to avoid the closure of the school, the preferred option is to use the Adventure Playground building for polling district HD and to continue using the Acacia Centre for polling district IE.

#### **Dundonald Ward**

- 3.2 The obvious alternative to using the Dundonald Pavilion as a polling station is to use the Dundonald Primary School. However, because of the recent redevelopment, the room used for polling would no longer be able to be kept separate from the rest of the school, meaning that the entire school would have to close. As stated above, the Council generally only uses schools as polling stations when there are no other suitable alternatives in the polling district or local area. Despite its limitations as a venue for polling, the Dundonald Pavilion still represents a viable alternative to closing the school.
- 3.3 Wimbledon Congregational Church is located inside the polling district and has a hall that would be a suitable alternative to both the school and the pavilion, however the people that administer the church refuse to hire the hall for use as a polling station as they would have to cancel their regular bookings.

#### **Cannon Hill Ward**

- 3.4 There are not any viable alternatives within polling district SA to using the St Joseph's Primary School as a polling station. The Endeavour Club, located on Martin Lane, which is currently used as a polling station for polling district SB, could possibly accommodate another polling station, however electors would be required to walk significantly further than they currently do so in order to reach their polling station. This change in polling station could also cause confusion for electors in polling district SA attempting to cast their vote on polling day.
- 3.5 The St Joseph's Primary School is located adjacent to the previous longstanding polling station for polling district SA, and worked well as a polling station for the General election in 2017. Whilst acknowledging that it is regrettable that the school has to close, it would seem to be the option that will cause the least disruption to the majority of electors in polling district SA.

### **4 CONSULTATION UNDERTAKEN AND OUTCOMES**

#### **FIGGES MARSH WARD AND LONGTHORNTON WARD**

- 4.1 All councillors for both Wards have been consulted and are in agreement with the proposal to designate the Acacia Adventure Playground Building as the polling station for polling district HD in Figges Marsh ward and maintaining the



Acacia Centre as the polling station for polling district IE in Longthornton Ward.

- 4.2 In support of the proposal, Cllr Stanford pointed out that the Adventure Playground was actually built on the site of the Eastfields Youth Centre, which was used as a polling station for many years until it was demolished to make way for the Acacia Centre and the Adventure Playground.
- 4.3 It is the view of the Returning Officer that the Standards and General Purposes Committee recommends that the full council agrees the designation of The Acacia Adventure Playground for polling district HD in Figges Marsh Ward and retains the Acacia Centre as the polling station for polling district IE in Longthornton Ward.

### **Dundonald Ward**

- 4.2 All ward councillors have been consulted along with the Conservative group leader. The Conservative group do not support closing the Dundonald Primary School to use as a polling station due to the disruption that would be caused to staff and pupils. With the Wimbledon Congregational Church Hall not being an option at this time, the consensus is to continue to use the Dundonald Pavilion as a polling station, but to make sure that contingency plans are in place to guard against any issues, such as the lift not working again.
- 4.3 It is the view of the Returning Officer that the Standards and General Purposes Committee recommends that the full council agrees the designation of the Dundonald Pavilion for polling district PA in Dundonald ward.

### **Cannon Hill Ward**

- 4.4 All ward councillors have been consulted and it is their view that the St Joseph's Primary school should continue to be used as a polling station for polling district SA for future elections, due to the lack of any viable alternatives. Whilst acknowledging that it is regrettable that the school has to close, using the premises would seem to be the least disruptive option for the majority of electors residing in the polling district.
- 4.5 It is the view of the Returning Officer that the Standards and General Purposes Committee recommends that the full council agrees the designation of the St Joseph's Primary School for polling district SA in Cannon Hill ward until further notice.

## **5 TIMETABLE**

- 5.1 The Council meeting on 22nd November 2017 should make the decision on these proposals so that all polling districts have a designated polling place for the elections on 3 May 2018.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1 Provision for the hire of buildings for use as polling places is included within the budget for the elections to be held on 3 May 2018.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 The Council has a duty under the Representation of the People Act 1983 (RPA 1983) to divide its area into polling districts for parliamentary and local government elections, to designate a polling place for each polling district, and to keep these under review. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000<sup>1</sup> list section 18 of the RPA1983 as one of the functions that are not to be the responsibility of an authority's executive. This function has not been specifically delegated by the Council.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1 Under section 149 of the Equality Act 2010 it is the duty of a public authority in the exercise of its functions to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 8.2 In providing services and access to them the Council is required by law to make reasonable adjustments in order to avoid discriminating against disabled persons. When considering what adjustments should be considered as reasonable the council is required to have regard to the relevant code of practice. The following are some of the factors to be taken into account when considering what is reasonable:
- Whether taking any particular steps would be effective in overcoming the substantial disadvantage that disabled people face in accessing the services in question;
  - The extent to which it is practicable for the service provider to take the steps;
  - The financial and other costs of making the adjustment;

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<sup>1</sup> SI 2000/2853

- The extent of any disruption which taking the steps would cause;
- The extent of the service provider's financial and other resources;
- The amount of any resources already spent on making adjustments; and
- The availability of financial and other assistance.

8.3 The right to free elections forms part of Article 3 of Protocol 1 of the Human Rights Act 1998. Any resident is entitled to vote, if qualified by age and nationality, and if not subject to any other legal incapacity.

8.4 As indicated above, the principles have been followed of seeking to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances, and seeking to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled. There is a commitment to ensure that all polling places are accessible.

8.5 The aim of enhancing community cohesion and engagement would be expected to be achieved by the principles in 8.1 and 8.2 through promoting democratic engagement by seeking to make voting in person as easy as possible for residents of all communities.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1 Integrity plans are maintained for elections. These involve working closely with Merton Police on operational matters, together with liaising with the Metropolitan Police Service officer specifically delegated with responsibility for potential election offences.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1 In reviewing polling places, the reasonable facilities for staff at polling stations during elections have been considered. The physical fabric of possible polling places has also been considered to reflect the need for members of the public to visit their polling station.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- a) Maps of Figges Marsh Ward with location of Acacia Centre and Acacia Adventure Playground.
- b) Map of Dundonald Ward with location of Dundonald Primary School and Dundonald Recreation Ground Pavilion.
- c) Photographs of Dundonald Recreation Ground Pavilion.
- d) Map of Cannon Hill Ward with location of St Joseph's Primary School, Merton Adult College and the Endeavour Club.

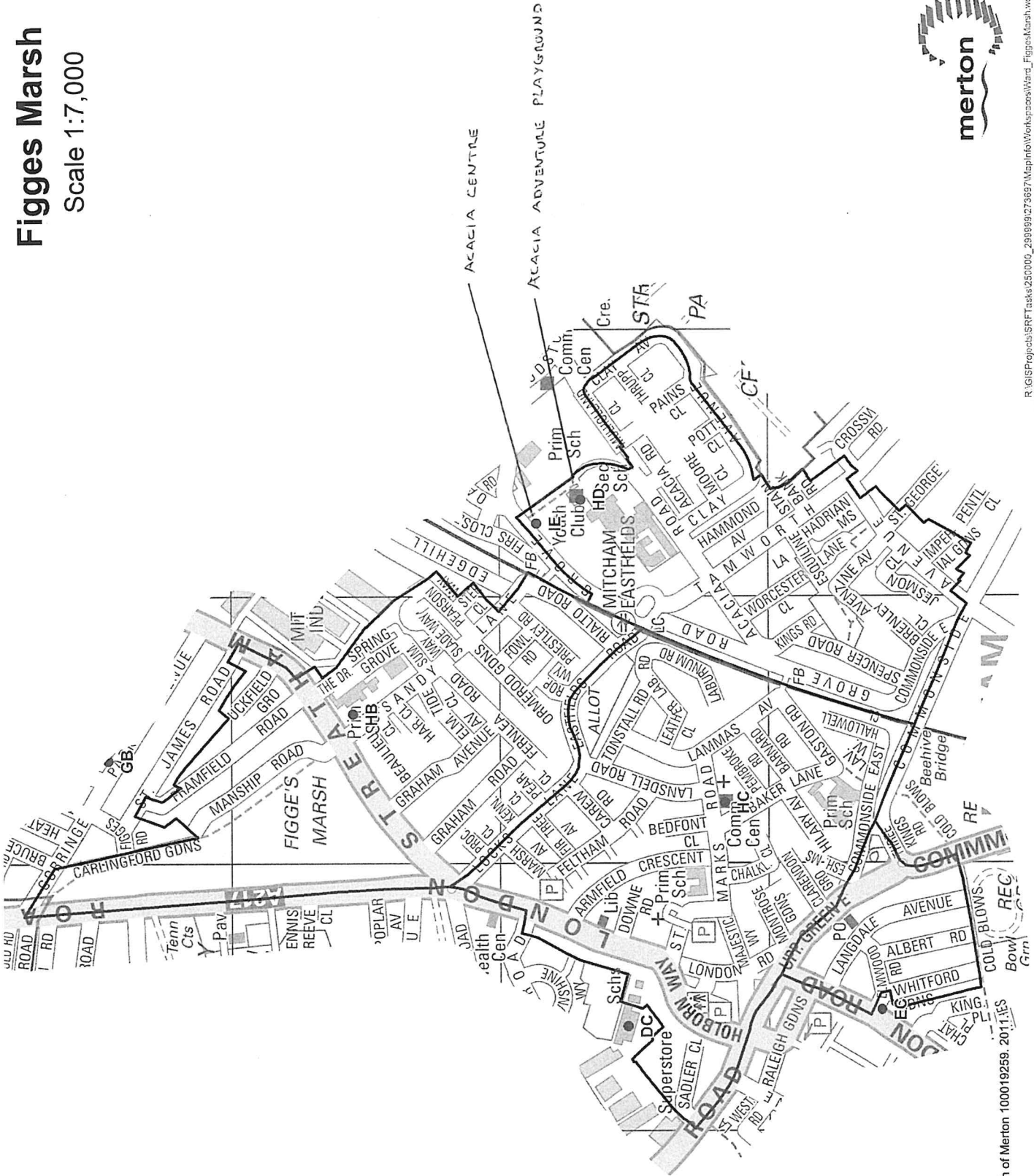
## **12 BACKGROUND PAPERS**

- Reports on polling stations made by Electoral Services staff, by presiding officers and polling station inspectors at past elections.

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# Figges Marsh

Scale 1:7,000



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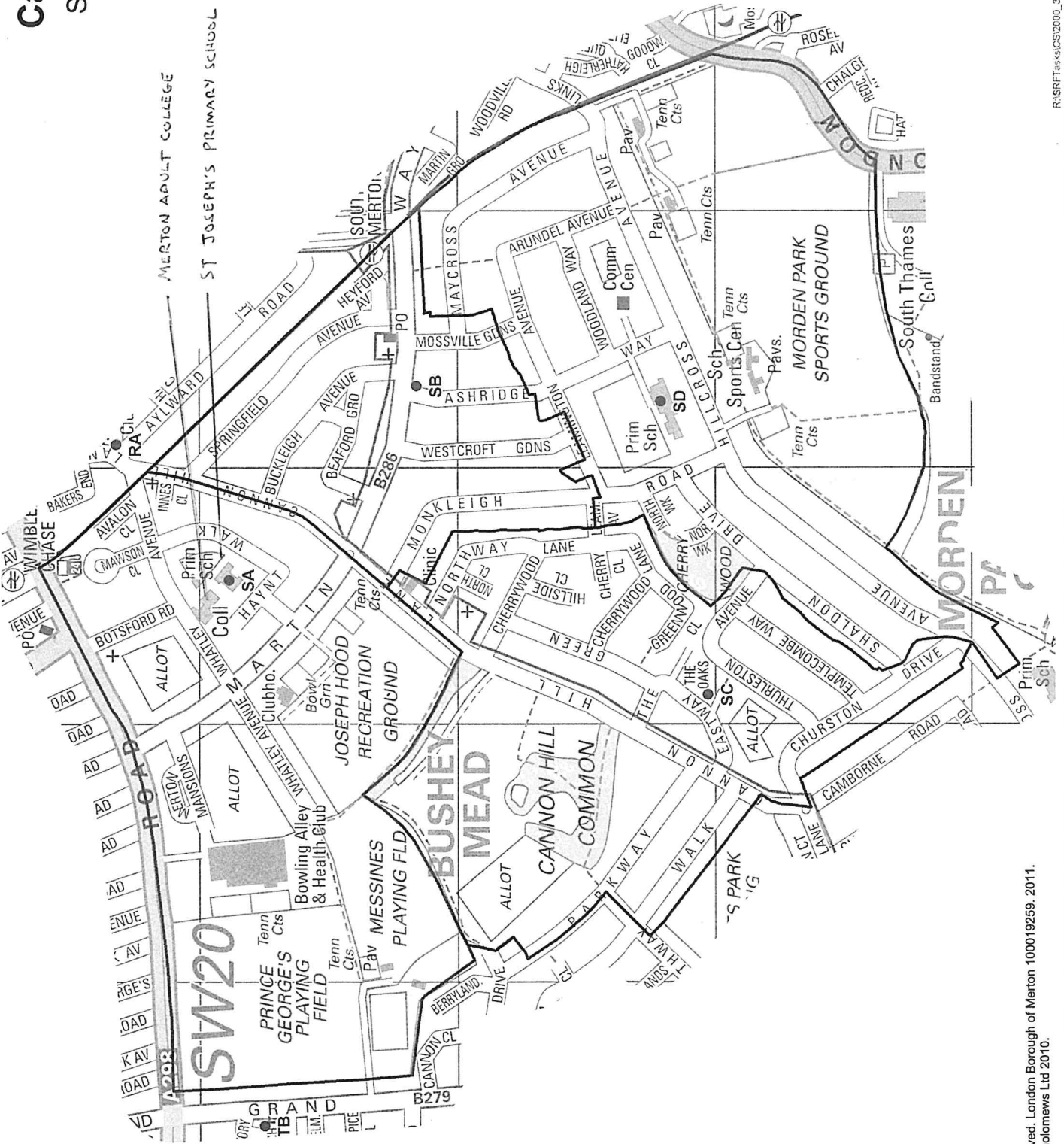


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# Cannon Hill

Scale 1:7,500



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## **Committee: Standards and General Purposes Committee**

**Date:** Wards: All

**Subject:** Report on Member Development

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Lead officer: Kim Brown, HR Lead

Lead member: Cllr Mark Allison

Contact officer: Kim Brown Ext 3152

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### **Recommendations:**

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1. That the Committee agrees the draft learning and development plan for 2018/19
  2. That the Committee agrees the priority development activities for members as outlined in 2.10 of this report
  3. That the Committee agrees that there will be elements of mandatory training for members
  4. that Committee considers ways to encourage increased member take-up for development activities
- 

### **Purpose of report and executive summary**

1.1 The purpose of this report is to update the Committee on the Member Development programme offer to members and explore ways to improve attendance at development events. The Council has committed itself to ensuring that all Members have access to learning and development that supports them and allows them to develop the necessary skills to fulfil their varied roles.

1.2 The provision of member development is managed within the HR division through close collaboration with Democracy Services.

### **2. Details**

2.1 Member development is based on the following principles:

- The development will be based upon the identified and agreed needs of the individual Elected Member and they will contribute fully to that identification
- Development will be delivered through a variety of methods and at times that ensure equality of access for Elected Members diverse personal circumstances, backgrounds and learning styles
- The Council has a learning culture that views continuous development for all its staff and elected Members as vital to its success.
- The Council acknowledges that Elected Members may have transferable skills from their work place and/or life experiences that can be used to help them perform their Council role.

2.2 The proposal for managing and delivering member development consists of three main components outlined below:

- (1) Ongoing personal/generic development
- (2) Induction post-election

### 2.3 **Ongoing personal/generic development**

Most councillors have very busy lives and many work during the day. The development activities for members are arranged in the evening and sometimes at the weekend (induction). The appropriate training is provided to councillors to enable them to fulfill their statutory obligation. There are some committees where members have to be trained before they are able to sit on these committees such as planning and licensing.

2.4 Generic development is identified by the roles members need to fulfil and legislation. A list of generic activities delivered since May 2014 shows:

Event Title	No of attendees
Budget Scrutiny	27
Briefing on the New Website	24
Chairing Skills	12
Child Protection	17
Dementia	21
Effective Opposition	9
Health Champions	14
Health in All Polices- Prevention Matters Workshop	22
Induction- Overview and Scrutiny	24
Induction- The role of a Councillor Part 1	20
Induction- The role of a Councillor Part 2	24
Induction- Keeping our people safe (Corporate Parenting, Safeguarding)	35
Induction- Community Leadership	24
Licensing for committee members	18
Licensing for ward members	14
Mind Mapping and Speed reading	4
Planning for committee members	16
Planning for Ward Members	20
Protecting yourself and your constituents	7
Public Speaking	15
Tools and Techniques to cope with paperwork	5
Understanding Budgets	25
Universal Credit and Housing	33
<b>Total</b>	<b>430</b>

2.5 It is recognised that in addition to generic needs, members will have differing and specific needs which need to be addressed through specific and individual learning interventions. To ascertain development needs members are invited to meet with a council officer to discuss them or are asked to complete a personal development form – Appendix D. Since 2014, 27 completed forms have been received. In the past, it has proved difficult to get members to complete personal development plans.

2.6 Members have the opportunity to attend development offered by the Local Government Association, London Councils. Examples of the courses available from the LGA are outlined in Appendix A. These opportunities are circulated to members and approval must be obtained by the group offices

prior to being booked by HR. More information on the content and other LGA learning and development opportunities are available to view information at <https://www.local.gov.uk/our-support/highlighting-political-leadership> (Appendix A provides an example of current offering)

2.7 Groups or members may require specific training based on the roles that they hold or are required to be fulfil such as Cabinet or Opposition. Development may also be provided and arranged within parties, such as mentoring and coaching by more experienced elected members.

2.8 In order to provide focus to the development offer it was proposed that elements of the member development programme should be mandatory and be undertaken by each councillor at least once during the 4-year municipal period:

- safeguarding (adults and children)
- Equalities
- Information security

In addition:

- Planning (for Planning Committee members)
- Pension (for Pension Fund Advisory Committee members)
- Licensing (for Licensing Committee members)

Since October 2017, seventeen (17) Councillors have attended Child protection training. Those who need to sit on planning or licencing committees have attended a one to one session.

Information Security training is available online and logins can be sent to Councillors to complete the e learning.

## 2.9 **Potential candidates**

The Council in the past has run at least three sessions for candidates who would wish to be Elected members. The sessions are usually advertised in the local press. The session covered the following areas:

- The London Borough of Merton
- The Committee System
- Benefits of being a councillor
- Skills needed to be a Councillor
- Talk to Merton Councillors about 'Being a Councillor'
- Member allowances and support available

A session for prospective councillors has been scheduled to take place on the 28th October 2017 and 14<sup>th</sup> March 2018.

## **2.10 Proposed learning and development plan for 2017/19**

A draft development programme with dates and titles through to March 2019 has been prepared for the Committee's comments – appendix B. It is proposed that the priority activities for 2018/19 should include:

- information security
- safeguarding
- equalities

Other generic learning activities:

- Charing skills
- Public speaking
- How to participate effectively in Committee meetings
- Managing in political environment
- Communication skills
- Effective questioning skills
- Corporate Parenting
- ICT skills and the use of technology
- Understanding projects
- Community leadership
- Social media
- Resilience

These programmes will be commissioned and advertised (six weeks) in advance of the event taking place to provide Councillors with adequate time to book themselves on sessions. The sessions are booked using dates from the Corporate calendar – avoiding meetings and committees.

## **2.11 Induction – post election**

All newly elected members are required to attend induction. In 2014, the induction process was reviewed and in response to members' feedback was condensed from a two-week induction to six sessions over a number of weeks. In addition to the Council offer London Councils produce Councillors handbooks and members briefing and updates via email. Appendix C outlines the proposed induction programme for 2018.

- 2.12 As part of this report, the Committee's views are being sought on best way to encourage take-up of member development activities. The process currently is to email members with upcoming events and through the group officers. Encouraging members to attend development session is not unique to Merton, as this has been raised on several occasions at the London Member Development Network.

## **3. Consultation undertaken or proposed**

- 3.1 It is proposed that updates are supplied to this committee and CMT.

## **4. Timetable**

- 4.1 To be agreed by the committee

## **5. Financial, resource and property implications**

- 5.1 Delivery of the development plan will be done using existing resources.

## **6. Legal and statutory implications**

- 6.1 There are no specific legal implications arising from the report

## **7. Human rights, equalities and community cohesion implications**



7.1 Member development enables members to make decisions, which can impact the communities they serve.

**8. Crime and Disorder implications**

8.1 None

**9. Risk management and health and safety implications**

9.1 None

**10. Appendices – the following documents are to be published with this report and form part of the report**

10.1 Appendix A- LGA programmes for Councillors and dates

Appendix B- Member's Training Plan

Appendix C- Example Induction Programme (provided as a separate document)

Appendix D- Personal Development Form (provided as a separate document)

**11. Background papers**

**11.1 None**

## Appendix A

### Local Government Association Programmes for Councillors

#### LGA- Leadership essentials

'Leadership Essentials' is a series of events designed as themed learning opportunities for councillors. Each event concentrates on a specific portfolio area, such as Planning or Children's Services, or a specific theme, such as communications or digital leadership. The majority of events are subsidised, for information on how to book contact

[members.developmentenquiries@merton.gov.uk](mailto:members.developmentenquiries@merton.gov.uk)

More information on the content and other LGA learning and development opportunities are available, see appendix ...

Grace Collins

Telephone: 020 7664 3054

Email: [Grace.Collins@local.gov.uk](mailto:Grace.Collins@local.gov.uk)

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#### Working with the Media Masterclass

#### New Conversations Political Leadership Masterclass

#### Leading Culture Change Masterclass

#### Risk Management Political Leadership Masterclass

#### Leadership Essentials Adult Social Care

#### Leadership Essentials: Children's Services

#### Leadership Essentials Health and Wellbeing for HWB Chairs and Vice Chairs

#### Commissioning Academy for Elected Members

#### Leadership Essentials: Finance Programme

#### Leadership Essentials: Getting Your Message Across

#### Leadership Essentials: Effective Scrutiny

#### Leadership Essentials Sport and Physical Activity

#### Leadership Essentials Planning

#### Leadership Essentials: PREVENT

## **E-Learning**

There are currently eight councillor e-learning modules available to download from the LGA E-Learning platform for councillors. They are on:

- Effective Ward Councillor
- Facilitation and Conflict Resolution
- Handling Complaints for Service Improvement
- Induction
- Scrutiny
- Police and Crime Panels
- Regulation & Licensing
- Community Leadership and Engagement

These can be accessed via the LGA website through the following URL: <http://lms.learningnexus.co.uk/LGA/> further modules will follow shortly. In order to access the modules, councillors need to register to use the system, and receive a user name and password. They can do this by emailing [elearning@local.gov.uk](mailto:elearning@local.gov.uk).

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## Appendix B

### Member's Training Plan

Title	Date	Time
Social media	1 <sup>st</sup> November 2017	7pm-9pm
Welcome for New Councillors	5 <sup>th</sup> May 2018	10am-12 noon
Induction – The role of a councillor part 1	10 <sup>th</sup> May 2018	7pm-9pm
Induction- The role of a councillor part 2	15 <sup>th</sup> May 2018	7pm-9pm
Introduction to finance and business planning	22 <sup>nd</sup> May 2018	7pm-9pm
Keeping you and your constituents safe	28 <sup>th</sup> May 2018	7pm-9pm
Community leadership	6 <sup>th</sup> June 2018	7pm-9pm
Licensing for Committee Members	12 <sup>th</sup> June 2018	7pm-9pm
Planning for Committee Members	21 <sup>st</sup> June 2018	7pm-9pm
Information Security	online	online
Budget Scrutiny	9 <sup>th</sup> January 2018	7pm-9pm
Using the Councils new website	22 <sup>nd</sup> January 2018	7pm-9pm
Equalities	27 <sup>th</sup> February 2018	7pm-9pm
Public Speaking	28 <sup>th</sup> March 2018	7pm-9pm
Chairing Skills	5 <sup>th</sup> September 2018	7pm-9pm
Effective questioning skills	19 <sup>th</sup> September 2018	7pm-9pm

ICT skills and the use of technology	25 <sup>th</sup> October 2018	7pm-9pm
Communication skills	10 <sup>th</sup> October 2018	7pm-9pm
Safeguarding	7 <sup>th</sup> November 2018	7pm-9pm
How to participate effectively in Committee meetings	21 <sup>st</sup> November 2018	7pm-9pm
Corporate Parenting	5 <sup>th</sup> December 2018	7pm-9pm
Resilience	20 <sup>th</sup> March 2019	7pm-9pm

### **Become a Councillor Events**

Date	Time
Saturday 28 <sup>th</sup> October	10am- 1pm
Wednesday 14 <sup>th</sup> March	6pm-9pm

### **Appendix C – Example Induction Programme**

*Provided as a separate document*

### **Appendix D – Member development form**

*Provided as a separate document*

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You are invited to attend a series of six induction workshops at the civic centre.



Ged Curran, Chief Executive

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## Workshop 1. Welcome reception

**Saturday 5 May 2018**

**Time:** 10.00 am – noon

**Venue:** Council Chamber, 1st Floor Civic Centre

Presentation from council officers.  
10.00 am – 11.00 am

Overview of council

*Ged Curran, Chief Executive.*

Meet the council's senior managers

Standards and ethics

*Paul Evans, Joint Head of Legal Services.*

Question and answer session

**From 11.00 am:**

Receive an information pack about Merton and members' handbook

Understand IT support

*Richard Warren, Head of IT Service Delivery.*

Get your official councillor photo taken

*Photographer.*

Get your access pass for Merton Civic Centre

*Facilities.*

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## Workshop 2. The role of a councillor (Part 1)

**Thursday 10 May 2018**

**Time:** 7.15 pm – 9.00 pm

**Venue:** Committee Rooms B and C

Introduction to the different aspects of the councillor's role

*Paul Evans, AD Corporate Governance .*

An outline of the support available

*Julia Regan, Head of Democracy Services*

*Paul Evans, AD Corporate Governance.*

Information security and managing casework

*(Tbc), Head of Information Governance.*

Introduction to Personal Development Planning (PDP)

*Kim Brown, HR Lead.*

## Workshop 3. The role of a councillor (Part 2)

**Tuesday 15 May 2018**

**Time:** 7.15 pm – 9.00 pm

**Venue:** Committee Rooms B, C, D and E

Introduction to Overview and Scrutiny

*Julia Regan, Head of Democracy Services.*

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## Workshop 4. Introduction to finance and business planning

**Tuesday 22 May 2018**

**Time:** 7.15 pm – 9.00 pm

**Venue:** Committee Rooms B, C, D and E

Revenue and capital, expenditure and income, balances and reserves, financial challenges and medium term financial strategy, TOMs

*Caroline Holland, Director of Corporate Services.*

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## Workshop 5. Keeping our people safe

**Tuesday 29 May 2018**

**Time:** 7.15 pm – 9.00 pm

**Venue:** Committee Room B

Corporate parenting

*Yvette Stanley, Director of Children Schools and Families.*

Safeguarding Children

*Paul Angeli, AD Children's Social Care & Youth Inclusion.*

Safeguarding vulnerable adults

*Hannah Doody, Director of Community and Housing.*

*Gemma Blunt, Safeguarding Adults Manager.*

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## Workshop 6. Community leadership

**Wednesday 6 June 2018**

**Time:** 7.15 pm – 9.00 pm

**Venue:** Committee Rooms D and E

Understanding the community: a snapshot of changing demographics and what our residents think

Partnership working in Merton: introduction to the Merton Partnership, the Community Plan and an outline of services delivered in partnership

*Chris Lee, Director of Environment and Regeneration.*

## Workshop 6. Community leadership

Wednesday 6 June 2018

Time: 7.15 pm – 9.00 pm

Venue: Committee Rooms D and E

A round table discussion with key partners:  
Police performance, partnership working and  
community engagement

*(Tbc), Police Borough Commander.*

Fire service performance, partnership working  
and community engagement

*(Tbc), Fire Borough Commander.*

A snapshot of the Voluntary and Community  
Sector in Merton

*(Tbc), MVSC Chief Executive.*

The view from business in Merton

*(Tbc), Merton Chamber of Commerce Chief Executive.*

Clarion Housing Outline the service and to  
explain how members can raise housing  
issues with them and how to pursue  
complaints.

*(Tbc),*

# Member Induction Workshops

### Further training

- Licensing training Date: Tbc
- Planning training Date: Tbc

### Additional development activities

Public speaking

Understanding equalities

Using social media

IT skills

Chairing meetings

Influencing skills

Practical session on casework:

Housing Needs

Housing benefits

Clarion

\*Councillors by law are required to be trained  
before sitting on planning and licensing  
committees.

Any questions, please contact:

**Kim Brown**

HR Lead

020 8545 3152

[corplearndevel@merton.gov.uk](mailto:corplearndevel@merton.gov.uk)

<http://intranet/membersinduction> Page 140





## Member Personal Development Questionnaire

Member Name: \_\_\_\_\_

Date: \_\_\_\_\_

I would / would not be happy to discuss this further with Officer Representative.  
(Please delete as appropriate)

**Achievements – What do you feel you have been able to achieve in your role as councillor in the last 12 months as a result of your attendance at any learning and development event (at any level – ward, Community, Council, etc)?**

List in order of preference:

**Areas of Special Interest - Please list those areas of Council work in which you would wish to develop further (i.e., culture, planning, traffic, equalities, HR, etc).**

List in order of preference:

**Areas of Expertise / Training – that you consider would be helpful to the Council in a particular area, including skills, experience qualifications training - This would be in support/advisory role to officers/Members.**

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### Member Development Needs

Please identify those areas in which you would like further development.

Ward Councillor role	Development Requested
<b>Knowledge/Information of “How the Council Works”</b>	
Knowledge of organisational structure and key contact officers	
Political decision-making structures (standing orders/how Council meetings work)	
Understanding of ethics and standards (Code of Conduct)	
Local and national policies and their impact on the Council	
Overview and Scrutiny process	
Policies to which Members must adhere (e.g. Dignity at Work, Smoking Policy, etc)	
Understanding local government finance/scrutinising budgets	
Strategic priorities and key policies of Council (and their development)	
Complaints procedure/s	
Equality and diversity	
Freedom of Information/Data Protection Act	
<b>Compulsory training for Members on quasi-judicial panels:</b>	<b>Development Requested</b>
Planning	
Licensing	
Appeals	
<b>Skills for effective meetings</b>	<b>Development Requested</b>
Effective contribution to meetings	
Chairing skills and ability to facilitate discussions	
Confidence in speaking in public and answering questions	
Active listening	
Interviewing/Questioning skills	
Managing conflict/mediation	
Negotiation	
Influencing and persuading	

<b>IT Skills</b>	<b>Development Requested</b>
IT skills- Groupwise, Internet, Word	
<b>Communication Skills</b>	<b>Development Requested</b>
Assertiveness	
Self confidence	
Creative thinking	
Making a speech	
Making a presentation (Planning, delivery, use of technology, public speaking)	
Ability to communicate with a range of audiences	
Ability to give presentations to Groups, Schools etc	
Media relations/press/interviews	
Ability to put into practice: community engagement, participation and involvement principles, Community Planning, consultation techniques	
Ability to manage informal meetings/community events	
Team working	
Motivating people	
Partnership working	
Ability to develop effective relationships with officers	
Managing change	
Leadership skills	
<b>Self Management</b>	<b>Development Requested</b>
Managing casework (including IT)	
Project management	
Report writing	
Note-taking	
Speed Reading	
Time management	
Managing workload	
Managing stress	
Ability to identify risk situations (diffusing situations, keeping yourself safe)	

Any Other Comments/Requests – Is there anything that you would like training upon in relation to the Council's Corporate Objectives that does not appear elsewhere in this form.

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## **Committee: Standards and General Purposes Committee**

**Date:** Wards: All

**Subject:** Report on the use of temporary workers and consultants

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Lead officer: Kim Brown, HR Lead

Lead member: Cllr Mark Allison

Contact officer: Kim Brown Ext 3152

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### **Recommendations:**

**To note progress made to monitor and control the use of temporary workers and consultants**

#### **Purpose of report and executive summary**

1.1. The Committee has received progress in relation to the number of interim appointments and the mechanisms in place to monitor the use of such workers.

#### **2. Details**

2.1 Appendix 1 attached to this report sets out the latest central monitoring database for all types of interim/temporary placement at a rate of £30 per hour or more across the Council, shown by department.

2.2 The database is updated on a monthly basis and double-checked with departments for accuracy.

2.3 The data about interim and consultancy placements is broken down by department and sent to each Department Management Team (DMT) on a monthly basis to review. HR attends monthly meetings of each DMT to review all the placements and to challenge on-going placements, especially where they are longer term. Every placement is reviewed with the respective DMT (senior managers).

2.4 Arrangements are in place for HR to scrutinise all interim appointments and the single database provides a means of HR taking an overview of such appointments, together with the capability to ensure managerial compliance. In order to extend a placement, Comensura require written confirmation along with the signed Recruitment Authorisation form from the HR Contracts Manager. In recent months HR have actively challenged the completion of the ways the forms have been completed and have requested additional information.

2.5 In addition to the above interventions the Council's intranet has been reviewed and updated with information for hiring managers on the best ways to recruit temporary staff. A new electronic recruitment authorisation form has been introduced to ensure

that the appropriate authorisation process is adhered to and the post/s have agreed budgets attached to them.

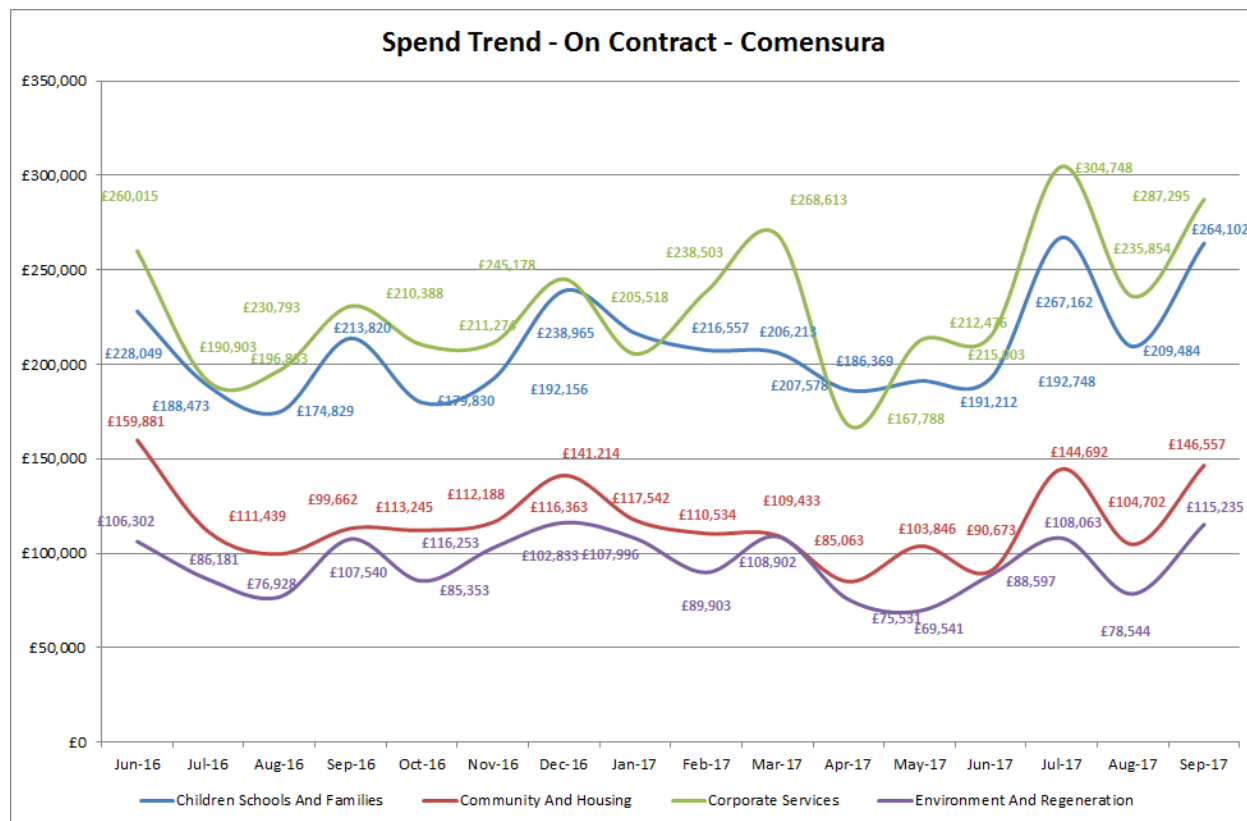
- 2.6 The engaging of most interim workers is via Comensura or the LGRP, which is a London wide contract for interim appointments. There have been instances due to market supply issues, although very few, when the Council has not used either of these contracts and has had to go 'off contract'. There are robust processes in place to manage this process, which require a business case and financial checks to ensure there is a budget to pay for the assignment, as well as sign off by the Director of Corporate Services.
- 2.7 The previously reported situation continues with by far the largest group of temporary workers being "on contract" and agency/ temporary staff appointed through the Council's corporate contract with Comensura.. These are all engaged with the involvement and oversight of the HR function with a database that supplies monthly spend and usage reports to Council managers.
- 2.8 As at the end of September 2017, the Council employed 153 interim/temporary workers at £30 per hour (or more) compared to 152 an increase of one worker since June 2017. **Appendix 1** refers to the detail and composition of the interim workforce. Where possible, corporate contracts are used as they provide better value for the Council.
- 2.9 Running concurrently with the work to monitor and control interim placements has been a Council-wide staffing establishment exercise completed within iTrent to provide a comprehensive view of a fully budgeted workforce. This provides a clear picture of the workforce, including vacancies and reconciliation with temporary worker appointments. Quarterly updates are provided to the Financial Monitoring Task Group.
- 2.10 The new "temp to perm" guidance has been agreed and implemented. This guidance enables managers to convert longer-term agency workers into "perm" directly employed staff. The conversion process is subject to safeguards, which check that a competitive recruitment process was followed when the worker(s) were first commissioned and establishment control procedures are followed.

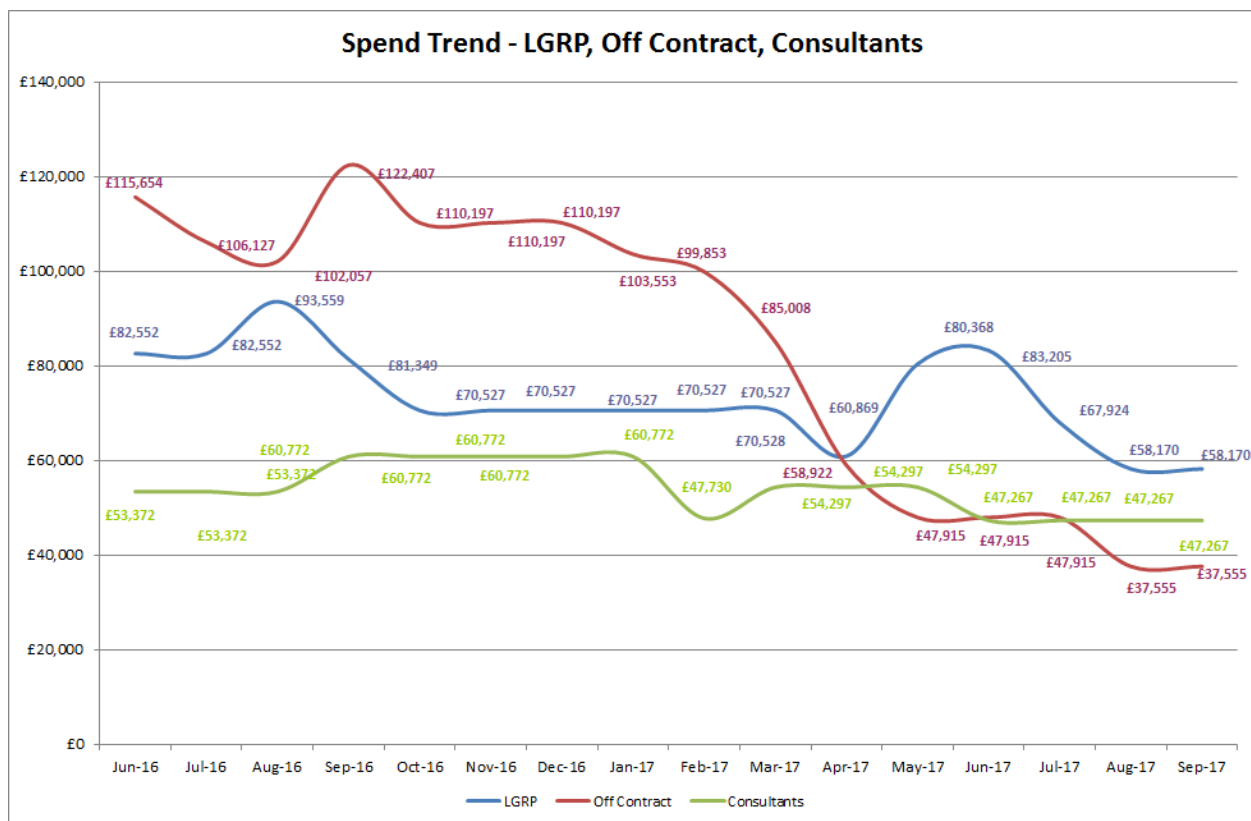
Agency workers, working via the Comensura are able to move to perm contracts after 13 weeks free of charge and we are proactively trying to convert the longer working candidates onto perm contracts. Conversations take place as and when agency workers either express an interest in becoming permanent and/or the service wishes to recruit particularly high quality workers.

- 2.11 Where difficulty in recruiting has been cited as a reason of long-term cover, HR will continue to work with client managers to identify what recruitment and retention measures are necessary, if any, to improve the recruitment offer. This may include review of recruitment efforts, pay market data and turnover statistics as well as a supporting business case.

2.12 The committee requested that the interim monitoring data be provided on a quarterly basis. The period considered for this report is July 2017 to September 2017 and details of the spend both on and off contract year on year is detailed below:

July 2017 – Sept 2017





2.12 HR has been monitoring the off contracts closely and there has been a fall in the use of these contracts. The council will seek to permanently recruit, however there are instances where agency/temporary/interim workers if managed appropriately can assist in delivering key projects and covering vacant posts.

2.13 Directors have been invited to provide short overall summary comments on agency/consultant usage and action being taken in their area and these are:

**Children, Schools and Families**

In all but a few exceptions, the CSF agency workers and consultants are covering social work posts including frontline social workers and other regulatory posts such as Independent Reviewing Officers (IROs) and our Adoption Manager. Social workers have to have professionally manageable caseloads currently caseload of c15 children per social worker. This is in line with the London average. The others are for specialist posts such as speech and language therapy which are also statutorily required as part of children’s Education, Health and Care Plans.

In light of the recent OFSTED inspection, which gave the council a ‘Good’ rating with outstanding features, which will be reflected in all our recruitment branding this will enable us to attract a higher calibre of worker.

HR has worked closely with the social care management team to review and update the retention packages to ensure that we are able to recruit the right talent but also being able to retain them to provide continuity of service to some of our most vulnerable clients.



We anticipate that there will be further reductions in the use of interim and temporary workers in the near future due to the measures introduced.

### **Community and Housing**

Within Community and Housing, use of agency staff is predominantly within adult social care and in specialist, hard to recruit to posts. Targeted recruitment is in progress and this is outlined in detail in the appendix. Work has been undertaken with London Councils and ADASS to implement a Memorandum of Understanding for Adult Social Care Workers so that Councils do not compete with each other and in doing so stabilise the market. There has been a successful recruitment to the AD of ASC.

### **Corporate Services**

There are a number of posts that are in the process of being recruited to in the Legal Shared Service; we await to see if we are successful in attracting permanent staff. There has also been two restructures within the department, which are ending, and permanent recruitment is progressing.

### **Environment and Regeneration**

Usage is relatively low in E&R and reducing. A number of workers are covering positions, which are subject to a service review in particular the Regulatory Service Partnership where the tri-borough service with Wandsworth has recently been agreed and where a staffing review and restructure will now follow. Others are providing specialist skills or are covering [often short term] externally funded roles. There are a number of professional areas where there is an extremely competitive market in which all London boroughs are struggling to recruit and retain permanent staff. This includes Traffic engineers, Planning officers and Building control surveyors where the emergence of a strong interim market as well as private sector competition [in building control particularly] has changed employment patterns and our ability to recruit and retain staff.

E&R DMT reviews this matter on a regular basis in order to manage risk including the financial impact.

## **3.0 The impact of IR35 on interim workers**

This is an on-going process; we are actively working with managers to assist with any questions or queries in relation to IR35. It is important that IR35 is closely monitored to ensure there are no increases in day rates and a lack of compliance exposes the Council to possible fines from HRMC.

#### **4. Consultation undertaken or proposed**

4.1 CMT receives monthly updates on agency usage and activity. Detailed below is a synopsis of the current themes on which CMT have requested assurance:

- The need for hiring manager compliance to complete agency placement extension arrangements and to seek proper authorisation. HR has put in place measures to improve such compliance with tighter authorisation controls.
- The trend for overall decreased usage of agency staff but rising costs due to the type of worker that we need to source e.g. specialist technical or niche professional skills such as children's social workers, project managers, IT specialists and business analysts. The marketplace for such posts is competitive and supply and demand dictate increased charge rates. The Council will be exploring other ways to support and deliver project work in the Council such as outcome-based delivery.
- An increasing trend of agency workers working for longer periods - in particular covering essential services. This reflects service demands and the need to cover statutory functions, and remains under regular review.
- Use of the Apprenticeship Levy for current staff to achieve higher level/professional qualifications for these hard to recruit areas.

#### **5. Timetable**

5.1. Regular monthly reports of all interim/temporary placements are sent to departments and suitable "challenge" meetings are held with DMTs on a monthly basis. Agency spend and number of agency staff forming part of the workforce are reported to CMT on a monthly basis as part of the HR Metrics.

#### **6. Financial, resource and property implications**

6.1 The aim is to challenge hiring managers' interim/temporary placements and reduce overall costs associated with interim workers where possible, noting that in many cases the Council has to cover statutory functions.

#### **7. Legal and statutory implications**

7.1 There are no specific legal implications arising from the report

## **8. Human rights, equalities and community cohesion implications**

8.1 The amendments that have been made to the Council's HR policies and processes will improve confidence in the Council's HR recruitment procedure and the maintenance of the interim position database to provide the means to ensure compliance with Members' requirements.

## **9.0 Crime and Disorder implications**

9.1 None

## **10.0 Risk management and health and safety implications**

10.1 These are detailed in the Ernst and Young report of 12 March 2014.

## **11.0 Appendices – the following documents are to be published with this report and form part of the report**

11.1 Appendix 1 - Summary data of the Council's current interim positions

## **12.0 Background papers**

12.1 None

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## **Standards and General Purposes Committee Forward work plan 2017/18**

15 March 2018

- External Audit
- Internal Audit progress report
- Update on RIPA Authorisations
- Complaints against Members
- Temporary and Contract Staff update
- Work programme

### **Add as required:**

- *Polling Places*
- *Constitutional amendments*
- *Review of members' interests*
- *Independent / co-opted members*
- *Reports on dispensations issued by Monitoring Officer*
- *Report on payment exceeding £1000 as a result of maladministration as directed by the LGO.*

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