



Walsall Council

Standards Committee

Tuesday 30 January, 2024 at 6.00 p.m.

at the Council House, Walsall

Public access to meeting via: www.walsallcouncilwebcasts.com

MEMBERSHIP:

Councillor Martin (Chair)
Councillor Burley (Vice-Chair)
Councillor Allen
Councillor Andrew
Councillor Bashir
Councillor Follows
Councillor Lee
Councillor Samra
Councillor Sears
Councillor Underhill

Independent Persons:

Mr A. Green
Deborah Mardner
Carl Magness

Quorum:

Four Members

A G E N D A

1. Apologies
2. Substitutions
3. Declarations of Interest
4. **Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
5. Minutes of the previous meeting *Enclosed*
6. Update to Member Development Programme – Audit Training *Enclosed*
7. Member DBS Check Update *Enclosed*

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Standards Committee

Monday 2 October 2023 at 6.00pm.

In a Conference Room at the Council House, Walsall

Members Present

Councillor Martin (Chair)
Councillor Burley (Vice-Chair)
Councillor Allen
Councillor Andrew
Councillor Bashir
Councillor Follows
Councillor Lee
Councillor Nazir
Councillor Sears

Independent Persons Present

Mr A. Green
Mr C. Magness

Officers Present

Mr A. Cox	-	Director of Governance
Mr M. Halliwell	-	Assurance Lead Officer (Strategy, Change and Performance)
Ms S. Lloyd	-	Democratic Services Officer

11. Apologies

Apologies were received from Ms D. Mardner.

12. Substitutions

There were no substitutions.

13. Declarations of Interest

There were no declarations of interest.

14. Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

15. **Minutes of the previous meeting**

Resolved

That the minutes of the meetings held 12 July 2021, 11 October 2021 and 17 July 2023, copies having being circulated in advance, be approved as correct records.

16. **Local Government and Social Care Ombudsman Annual Report**

The Assurance Lead Officer led the Committee through the annual review of 2022/23 provided by the Local Government and Social Care Ombudsman (LGSCO) detailing the number and range of complaints referred by the LGSCO to the Council. He noted that there had been a slight change to the process used by the LGSCO that year and they were no longer investigating borderline cases so this meant that comparisons with previous years were more difficult. It was reported that 86% of complaints were upheld which was a slightly higher rate than previous years but that 100% of recommendations from the Ombudsman had been successfully implemented.

Following questions from the Committee the Assurance Lead Officer confirmed that the Social Care and Health Overview and Scrutiny Committee and the Children's Services Overview and Scrutiny Committee both received an annual report on complaints within those areas and the relevant Executive Director was involved in the process regarding complaints in their service area so they would be aware of any trends in the complaints received. Members of the Committee expressed their concerns at the governance and oversight in relation to complaints. The Director of Governance advised the Committee that should any relevant matters be discovered in the process of handling complaints a report would be brought to the Committee.

Resolved

That:

- 1. the report be noted; and**
- 2. the Monitoring Officer review the governance arrangements for complaints.**

17. **Member DBS Check Update**

The Committee received an update report on uptake of criminal record checks for elected members since its last discussion at Standards Committee on 17th July 2023. The Democratic Services Officer advised that 50 Members had a valid basic or enhanced criminal record check, 6 were awaiting the results of their check and the remaining 4 Members were working with Democratic Services to

provide the relevant ID to complete their checks. She also stated that Council, at its meeting on 18th September 2023, approved the recommendation of Standards Committee that all councillors involved in decisions on the provision of services for vulnerable adults undertake an enhanced DBS check and works had begun to contact the 9 Members affected who would now be requested to complete an enhanced check.

Resolved

That:

- 1. the report be noted; and**
- 2. the Committee continue to receive regular updates.**

18. Parental Leave for Councillors Progress

The Director of Governance advised the Committee that the agreed Parental Leave for Councillors policy had only recently been approved so very little data was available in relation to the efficacy of the policy as there had not been many councillors who needed to make use of the policy. He suggested that it would be beneficial to wait until further information was available and then take a further update at that stage.

Resolved

That:

- 1. The information be noted; and**
- 2. A report be brought back to the Committee when more data is available.**

19. Review of Learning from Thurrock Council Best Value Inspection Report

The Director of Governance reported on the recently published Thurrock Council Best Value Inspection report, highlighting the benefits to the Council of reviewing such reports and benchmarking its own governance against the recommendations to ensure all learning points are taken. He drew out in particular the importance of holding officers to account and the value of member training as key learning points from the report.

Members of the Committee thanked the Director of Governance for bringing this report to their attention and affirmed their belief that it was important all Members be sighted on such matters. They also commented that in recent years Member Development had been significantly improved but that it was of paramount importance that it continued to develop to suit the Council's needs.

Resolved

That:

1. The report be noted; and
2. The report be circulated to all Members.

20. **Date of next meeting**

It was noted that the date of the next meeting would be 30 January 2024.

There being no further business, the meeting ended at 6:50pm.

Chair

Date

Standards Committee – 30th January 2024

Update to Member Learning and Development programme

Aim:

To seek approval for Audit Committee training to be extended to all Elected Members and for the Member Learning and Development Programme for 2023/24 to be updated accordingly to include such training requirements as standard.

Summary:

At its meeting on 25th September 2023, Audit Committee considered a report entitled 'Review of the Effectiveness of the Audit Committee' (attached as Appendix 1). Arising from discussions on this item, Audit Committee Members recommended that Standards Committee consider extending the Member Learning and Development Programme for 2023/24 to include Audit training for all Members.

Recommendation:

That Standards Committee approve the inclusion of Audit training for all Members being added to the Member Learning and Development Programme for 2023/24.

1.0 Report Detail - Know

- 1.1 At its meeting on 25th September 2023, the Audit Committee considered a report entitled 'Review of the Effectiveness of the Audit Committee'. Arising from discussions on this report, Members expressed their concern in relation to the continuity of Membership on the Audit Committee, in the context of the breadth of knowledge, skills and experience Audit Members are required to have in order to effectively serve on the Committee.
- 1.2 In recent years, Group Leaders have made a commitment to ensure that, as far as practicable, Audit Members are maintained on the Committee from year to year to enable a continuity of experience and knowledge on the Committee.
- 1.3 It is generally accepted that Audit Committee is a difficult Committee for new Members to swiftly acclimatise to, given the breadth of specialist issues covered under its remit. Audit Committee is also an important Committee given the nature and complexity of business which falls under its remit. In view of this, in recent years a robust training programme has been put in place to train Members who sit on Audit Committee in order that they can effectively and competently participate, challenge and seek assurance on the systems of the control environment. Currently, this training is only offered to Members of the Audit Committee.
- 1.4 At the meeting on 25th September, Members raised a concern around succession planning, specifically in the context of Local Elections; i.e. it is possible that current

serving Members on the Audit Committee might possibly not be re-elected, and subsequently that knowledge base / experience would be lost.

1.5 In view of 1.4, Members were concerned that, in order to maintain a good level of skill, knowledge and experience on the Audit Committee for succession planning purposes, Audit training ought to be included in the highly recommended Elected Member training programme as a matter of course to help mitigate this risk.

1.6 Accordingly, Audit Committee Members requested that Standards Committee consider adding Audit training to the Member Learning and Development Programme for 2023/24.

2.0 Financial information

2.1 None directly related to this report. However, on occasion the council will commission external training, but this cost would be met from within existing budgets.

3.0 Legal implications

3.1 An effective training programme should aim to improve elected member performance and improve governance. Training should also increase elected members understanding of the complexity of their role and improve their ability to fulfil the role.

4.0 Decide

4.1 Subject to any feedback Members may wish to provide, the Member Learning and Development Programme will be delivered during the Municipal Year.

5.0 Respond

5.1 Additions to the Member Learning and Development Programme will be made mid-year, as required.

6.0 Review

6.1 The Council's Monitoring Officer will liaise with the Member Learning Champions to work with all elected members to ensure that they have the opportunity to attend at least 12 hours of learning and development each municipal year.

6.2 It is also proposed that the Standards Committee continue to review the content and effectiveness of the training programme for elected members on an annual basis to ensure that it is relevant to the role and of value to elected members. Training should also help the council maintain and improve governance and standards.

7.0 Background papers:

7.1 Audit Committee report 'Review of the Effectiveness of the Audit Committee' from the Audit Committee meeting held on 25/09/23 (appendix 1).

Author:

Fred Hancock
Senior Democratic Services Officer
☎ 01922 650869
✉ fred.hancock@walsall.gov.uk

25 September 2023

Review of the Effectiveness of the Audit Committee

Ward(s): All

Portfolios: All

Purpose: Review

1. Aim

- 1.1 To provide Audit Committee with the completed effectiveness checklist for their consideration and agreement prior to reporting the outcome in the Committee's Annual Report to Council on its activities during 2022/23.

2. Summary

- 2.1 The CIPFA Position Statement (the "Statement") on Audit Committees sets out the key principles that CIPFA recommends for Audit Committees operating in local government. This Statement is supported by further guidance. The Statement and guidance were updated in 2022. An assessment against the 'Good Practice Checklist' has been undertaken and is included in this report for the Committee's consideration and some minor improvement actions identified.

3. Recommendations

- 3.1 That Audit Committee consider the attached self-assessment (Appendix 1) against the 'Good Practice Checklist' undertaken by audit Committee members on 11 September and review the actions arising, amending if appropriate.
- 3.2 That subject to any amendments arising from 3.1 above, a summary of the outcome will be included within the Committee's Annual Report to full Council on its activities during 2022/23.

4. Report detail – know

Background

- 4.1 The CIPFA Position Statement covers:
- Purpose of an Audit Committee;
 - Establishing an independent and effective model;
 - Core functions, including;

- Maintenance of governance, risk, and control arrangements,
- Financial and governance reporting,
- Establishing appropriate and effective arrangements for audit and assurance,
- The characteristics of a good Audit Committee and membership;
- Engagement and outputs – effectively discharging its responsibilities; and,
- Impact – evaluating impact and any areas for improvement.

4.2 The Statement provides greater prominence to the Annual Report to full Council, including it for the first time in this updated version, including that the Committee should *“report annually on how the Committee has complied with the Statement, discharged its responsibilities, and include an assessment of its performance.”*

4.3 The Statement is supported by Audit Committee: Practical Guidance for Local Authorities and Police document (October 2022 edition) - The Audit Committee Member in a Local Authority is a 77-page guidance document intended to support the establishment, operation, and effectiveness of Audit Committees. It is intended for members of Audit Committees to help them to understand the purpose of the Committee, and its function and their responsibilities as members of the Committee. It covers:

- Core functions of the Committee;
- The administrative and operational arrangements of the Committee;
- Membership and effectiveness of the Committee, including training and a Knowledge and Skills Framework to support the appointment, training and development of Audit Committee members and resources to enable self-evaluation and improvement planning and inform the effectiveness review of the Committee.

4.4 The document provides further detail on each of the above and guidance on conducting the effectiveness review and contents of the Audit Committee’s Annual Report to full Council. The document is supplemented by a further 61-page document, ‘Guiding the Audit Committee’, which is aimed at those who support Audit Committees, helping them to ensure that its operations are in accordance with appropriate legislation and good practice.

4.5 The effectiveness review should cover:

- An assessment of whether the Committee is operating in accordance with the practices recommended in the Position Statement and complies with legislation (if applicable);
- How the Committee has fulfilled its terms of reference, including the core functions of the Committee;
- The operation of the Committee, including the support and training provided and how members have developed their knowledge and experience;
- The Committee’s effectiveness in terms of impact on the quality of governance, risk management and internal control, together with satisfactory audit arrangements;
- Further, the Chair of the Committee should ideally coordinate the effectiveness review and involve all the Committee members. Their views on the operation of

the Committee, level of support and knowledge and skills is vital. It is also helpful to get feedback on the operation of the Committee from those who rely on its work, the leadership team, and those who interact regularly with the Committee (such as the Head of Internal Audit, Chief Finance Officer and External Auditor).

- 4.6 CIPFA advocates regular reviews of effectiveness, and the Statement recommends that the results of the Committee's evaluation of its effectiveness should be reported in the Chair's Annual Report to Council. At its meeting on 26 June, Audit Committee agreed that a self-assessment be coordinated by Officers, in consultation with the Chair of the Committee, using the CIPFA checklist, with the outcome being brought back for members' consideration to allow input of the outcomes into the Chair's Annual Report. Annual reviews would then be incorporated into the Committee's work programme for each year.
- 4.7 A copy of the Practical Guidance has been made available to all members of the Committee and the revised guidance has also been used to review the terms of reference (TOR), work programme and training plan for the Committee. The updated TOR was reported to Committee in June and approved by full Council on 10 July.
- 4.8 A workshop was held with Audit Committee members on 11 September and the CIPFA best practice checklist was completed. 4 members attended the workshop, including the independent Chair, and Vice-Chair. 1 member sent apologies and 2 others did not attend. Input was also sought and provided by a number of senior officers who regularly support the Committee in its work (namely the S151 Officer and two Heads of Finance - Strategic Finance and Assurance, Technical and Transactional), and External Audit and Internal Audit were requested to input appropriate feedback.
- 4.9 The combined outcome is attached at Appendix 2. In summary, the Committee is substantially compliant, with some minor areas of improvement as set out. Members felt that 3 of the 40 questions (and sub questions) could not be effectively scored, the reasons for which are set out in the comments within Appendix 2. The self- assessment will be further developed and utilised to support the overall effectiveness review of the audit committee within the internal control framework and reported in future Annual Governance Statements.
- 4.10 As well as the CIPFA self-assessment tool covering the core aspects of the Statement, a review of the Committee's work against its approved work programme was also undertaken. This has confirmed that the Committee has fulfilled its terms of reference, including the core functions of the Committee.

5. Financial information

- 5.1 There are no direct financial implications associated with this report. Any costs arising from training or support identified will be accommodated from existing budgets.

6. Reducing Inequalities

- 6.1 There are no equality implications directly related to this report.

7. Decide

- 7.1 Audit Committee are asked to comment on the outcome of the effectiveness review and agree on the improvement actions.

8. Respond

- 8.1 The outcome of the review will be summarised and included within in the Committee's Annual Report to Council in accordance with the guidance, once approved.

9. Review

- 9.1 The evaluation of effectiveness will be built into future work programmes, with any actions arising from the outcome of the review being reported back to the Committee to monitor progress and contained within future Annual Reports to full Council.

Background paper

Chartered Institute of Public Finance & Accountancy (CIPFA) Position Statement: Audit Committees in Local Authorities and Police 2022

CIPFA Audit Committees: Practical Guidance for Local Authorities and Police – The Audit Committee Member in a Local Authority

Guiding the Audit Committee - Supplement to Audit Committee Member in a Local Authority guidance (CIPFA)

Author

Vicky Buckley, Head of Finance and Assurance

☎ 01922 652326, ✉ vicky.buckley@walsall.gov.uk

Self-assessment of Good Practice

Appendix 1

This appendix provides a high-level review that incorporates the key principles set out in CIPFA's Position Statement and supporting guidance. Where an audit committee has a high degree of performance against the good practice principles, it is an indicator that the committee is soundly based and has in place a knowledgeable membership. These are the essential factors in developing an effective audit committee.

Where the committee does not fully comply with an element, three options are available to allow distinctions between aspects that require significant improvement and those only requiring minor changes.

Good Practice Questions		Does not comply	Partially complies and extent of improvement needed			Fully complies	Improvement Actions	Comments
		Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement		
<u>Audit Committee Purpose and Governance</u>								
1	Does the authority have a dedicated audit committee that is not combined with other functions (e.g. standards, ethics, scrutiny)?					★		Fully complies
2	directly to the governing body (full council)?					★		Fully complies.
3	Has the committee maintained its advisory role by not taking on any decision-making powers?					★		Fully complies.
4	Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's 2022 Position Statement?					★		Fully complies.
5	Do all those charged with governance and in leadership roles have a good understanding of the role and purpose of the committee?				★		This will be tested to ensure understanding is complete. A review of member and officer training and induction will be completed to ensure sufficient coverage of role and purpose.	
6	Does the audit committee escalate issues and concerns promptly to those in governance and leadership roles?					★		Fully complies.

Good Practice Questions		Does not comply	Partially complies and extent of improvement needed			Fully complies	Improvement Actions	Comments	
		Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement			
7		Does the governing body hold the audit committee to account for its performance at least annually?					★	Fully complies.	
8		Does the committee publish an annual report in accordance with the 2022 guidance, including:							
		- Compliance with the CIPFA Position Statement 2022					★	The 2023 Annual Report will satisfy this requirement.	
		- Results of the annual evaluation, development work undertaken and planned improvements					★		
		- How it has fulfilled its terms of reference and the key issues escalated in the year?					★		
<u>Functions of the Committee</u>									
9		Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement as follows?						The Committee's terms of reference (TOR) was reviewed alongside the revised CIPFA Position Statement and the updated TOR approved by Council.	
		Governance arrangements					★		
		Risk management arrangements					★		
		Internal control arrangements, including:							
		- Financial management					★		
		- Value for money							
		- Ethics and standards							
		- Counter fraud and corruption							

Good Practice Questions		Does not comply	Partially complies and extent of improvement needed			Fully complies	Improvement Actions	Comments
		Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement		
	Annual governance statement					★		
	Financial reporting					★		
	Assurance framework					★		
	Internal audit					★		
	External audit					★		
10	Over the last year, has adequate consideration been given to all core areas?					★		The work programme covered all core areas.
11	Over the last year, has the committee only considered agenda items that align with its core functions or selected wider functions, as set out in the 2022 guidance?					★		Fully complies.
12	Has the committee met privately with the external auditors and head of internal audit in the last year?					★		Meetings have been held with external audit and in previous years, with internal audit. There is provision within the agenda for a private meeting.
Membership and Support								
13	Has the committee been established in accordance with the 2022 guidance as follows?							
	- Separation from executive					★		Fully complies.

Good Practice Questions		Does not comply	Partially complies and extent of improvement needed			Fully complies	Improvement Actions	Comments
			Major improvement	Significant improvement	Moderate improvement			
	- A size that is not unwieldy and avoids use of substitutes					★		Fully complies.
	- Inclusion of lay/co-opted independent members in accordance with legislation or CIPFA's recommendation					★		Fully complies.
14	Have all committee members been appointed or selected to ensure a committee membership that is knowledgeable and skilled?					N/A		processes and constitutional requirements concerning balance that this is not fully realisable and is therefore not scored. Skills and knowledge is discussed and training arranged as per the approved training plan and with the agreement of committee members.
15	Has an evaluation of knowledge, skills and the training needs of the chair and committee members been carried out within the last two years?					N/A		Formal use of the assessment within the CIPFA Guidance is not felt to be the most relevant mechanism to use and is therefore not scored. Skills and knowledge development is a priority of the Committee and is discussed and training arranged as per the approved training plan and with the agreement of committee members. Individual 121 sessions are held with members to assess and agree any further training and support needs.
16	Have regular training and support arrangements been put in place covering the areas set out in the 2022 guidance?					★	An agreed training plan is in place. A feedback mechanism will be implemented to support continuous improvement.	
17	Across the committee membership, is there a satisfactory level of knowledge, as set out in the 2022 guidance?					N/A		As per 14&15, not scored. Training is a priority as set out above.

Good Practice Questions		Does not comply	Partially complies and extent of improvement needed			Fully complies	Improvement Actions	Comments
			Major improvement	Significant improvement	Moderate improvement			
18	Is adequate secretariat and administrative support provided to the committee?					★		Fully complies.
19	working relations with key people and organisations, including external audit, internal audit and the CFO?					★		Fully complies.
<u>Effectiveness of the Committee</u>								
20	Has the committee obtained positive feedback on its performance from those interacting with the committee or relying on its work?					★		provided from interviewees and the CPC process. Audit contributed to the self assessment process. The AGS review will be used to assess this in future.
21	Are meetings well chaired, ensuring key agenda items are addressed with a focus on improvement?					★		this along with feedback from contributors to the self assessment process.
22	Are meetings effective with a good level of discussion and engagement from all the members?				★		Some minor improvement to ensure that discussions do not stray into scrutiny, however this is managed via the Chair and continued support and training as appropriate.	
23	Has the committee maintained a non-political approach to discussions throughout?					★		Fully complies.
24	Does the committee engage with a wide range of leaders and managers, including discussion of audit findings, risks and action plans with the responsible officers?					★		Fully complies. Officers attend meetings to cover these areas.

Good Practice Questions		Does not comply	Partially complies and extent of improvement needed			Fully complies	Improvement Actions	Comments
			Major improvement	Significant improvement	Moderate improvement			
25	Does the committee make recommendations for the improvement of governance, risk and control arrangements?					★		Fully complies. Robust evidence is in place of recommendations from audit committee across its areas of core responsibility.
26	Do audit committee recommendations have traction with those in leadership roles?					★		Fully complies. Robust evidence is in place of recommendations from audit committee across its areas of core responsibility and from tracking chart.
27	Has the committee evaluated whether and how it is adding value to the organisation?				★		Formal evaluation has not taken place. This will be undertaken as part of the annual AGS.	Positive feedback has been received from CPC along with feedback from contributors to the self assessment process.
28	Does the committee have an action plan to improve any areas of weakness?				★		The outcome of this checklist forms that plan.	An engagement and participation plan was agreed by the committee to address improvements including training, reporting to the committee. The majority have been implemented.
29	Has this assessment been undertaken collaboratively with the audit committee members?				★		The workshop format will be built on for future assessments.	A workshop approach was taken to do this, attended by 4 out of 7 members of the Committee (including the independent Chair). Senior officers contributed to the self assessment along with audit. The draft assessment will be considered by audit committee members at its September 2023 meeting.

Member Criminal Record Checks

1. Aim

- 1.1 To provide an updated position statement on the uptake of criminal record checks for elected members since its last discussion at Standards Committee on 2nd October 2023.

2. Summary

- 2.1 At the time of writing 55 Members had a valid basic or enhanced criminal record check and the remaining 5 Members had been contacted by Democratic Services to advise what steps they would need to take to complete their check.

3. Recommendations

That:

- 3.1 the information available on the current number of complete DBS checks for Members be noted; and
- 3.2 the Committee receives a further update on the uptake of voluntary DBS checks by elected Members at their meeting in April.

4. Report Detail - Know

- 4.1 As part of a desire to maintain transparency and high standards of behaviour Council agreed at its meeting on 25th May 2016 to ask all Members to undergo criminal record checks at least every 4 years and to make an annual declaration to the Monitoring Officer in the intervening years on any changes to their criminal record. This decision was made following a recommendation of the Standards Committee which had investigated methods to improve accountability and protection of Members because of concerns that arose out of multiple national abuse enquiries.
- 4.2 Dependant on their Committee membership Members are asked to either complete a basic disclosure or an enhanced DBS (Disclosure and Barring Service) check. It was originally agreed by Council that members of a committee or panel or portfolio holders that manage issues relating to children should have further accountability and protection through the enhanced process.

- 4.3 On 18th September 2023 Council approved the recommendation made by Standards Committee at their last meeting that members of the Health and Wellbeing Board, the Social Care and Health Overview and Scrutiny Committee and the Portfolio Holders for Adult Social Care, Wellbeing, Leisure and Public Services and the Deputy Leader (Resilient Communities) all undertake an enhanced adult DBS check. Following discussions with the Monitoring Officer and Leader it has subsequently been agreed that the Cabinet will all undertake enhanced DBS checks covering both children's and adult's barred lists. Democratic Services is working with all affected members to update their DBS certificates.
- 4.4 Members are required to complete a DBS check every four years. As of 10th January 2024 there are 55 Members who have a valid basic or enhanced criminal record check which has been registered by the Monitoring Officer. This is an improvement on 50 Members holding a valid criminal record check when this was last discussed at Standards Committee on 2nd October 2023. One further Member has submitted their documents and is awaiting the result of their check.
- 4.5 The criminal record check process consists of completing an online form and providing 3 forms of identification from a list of acceptable ID which is circulated to all Members by email when requesting that they complete the check. The identification is to be scanned or brought into the Democratic Services Team to be scanned and verified. If it is not provided within 6 months of the online form being completed the form expires and a new form will have to be completed.
- 4.6 The remaining 5 Members do not have a valid criminal record check because either they have not completed the process or more than four years have passed since the last time they did. All of these Members have been contacted by Democratic Services and support has been offered to assist them to complete the process.
- 4.7 Members are also asked to confirm, in the form of an annual declaration, if there have been any changes to their criminal record since their last check was conducted. Paperwork has recently been sent to all Members to ask them to complete these and uptake data will be available at the next meeting of the Standards Committee.
- 4.8 Members are requested on a six-monthly basis to take any required action in relation to their criminal record check. The last such emails were sent out on the 11th January 2024.
- 4.9 If Members require any further assistance with the process Democratic Services Officers can respond to any queries by phone or email or schedule an appointment to complete the online form with the Member.
- 4.10 Once the criminal record check has been successfully completed the certificate is sent to the Member at their home address. This process can take up to 15 working days.

5. Financial information

- 5.1 A single basic disclosure check costs £24.47 and an enhanced disclosure check costs £40.22.

6. Legal implications

- 6.1 The Council is not legally required to undertake criminal record checks of all Members but as stated above doing so provides Members with further accountability and protection whilst also maintaining transparency and high standards of behaviour. It has also been identified as best practice in a recent independent review of the Disclosure and Barring Service commissioned by the Home Office.

7. Decide

- 7.1 The committee is asked to review the information available and is invited to comment upon any improvements that could be made to assist Members in completing the process.

8. Respond

- 8.1. The Monitoring Officer and Democratic Services team will continue to request Members complete any required actions in relation to their criminal record checks on a six-monthly basis. The Monitoring Officer will register all criminal record checks received.

9. Review

- 9.1 It is recommended that the committee continues to monitor the status of Members' criminal record checks.

Author:

Sian Lloyd

Democratic Services Officer

Sian.Lloyd@walsall.gov.uk

01922 655943