

Positive governance strategy

Recognises our governance strengths and seeks to get governance recognised and embedded with Members and staff as part of the day-to-day rather than an add-on or an obstacle.



Context

123 Cornwall Councillors



Strong Leader and Cabinet model

540,000 people living in Cornwall

213 local councils
(parish, town and city)
with over 2000 councillors

First



rural devolution deal in the Country



Member approved Constitution and Local Code of Corporate Governance

Many policies and procedures that contribute to the governance framework

Governance is everyone's responsibility

What are the priorities?

Ownership of governance at all levels in the Council

Enabling enhanced knowledge and understanding of our governance arrangements

Working together to get governance right

Improved Member engagement

Enhanced stakeholder and community access and engagement



Positive Governance Strategy – 2016

*Embedding governance
and making it work*

*Part of Cornwall Council's Organisational
Development Framework*

Approved by Full Council –
16 February 2016

Foreword – Richard Williams, Head of Governance and Information

As an organisation created and governed by legislation there is an extensive range of legislative and regulatory requirements and controls with which we must comply and responsibilities we must discharge. Governance is about much more than decision-making. Compliance is everyone's responsibility and getting governance wrong can have adverse organisational and individual impacts. Our governance arrangements are in place because of legal, regulatory or best practice requirements, including ensuring there is transparency, engagement and that risk is recognised, assessed and mitigated with residual risks properly managed.

We are a public body with responsibility for many millions of pounds of public assets and the delivery of hundreds of different services to many different customers, from large corporate entities to the most vulnerable individuals in our communities. We will fail without proper governance.

We need this Strategy because there are improvements we can make individually and organisationally in the way we perceive and address governance, amongst both Members and officers.

There are some justifiable misconceptions around governance but everyone needs to understand and appreciate that governance:

- is important and applies to everything we do;
- is everyone's responsibility;
- enables and empowers us to transact our business and implement day to day and strategic issues;
- is something that we need to address from the outset in whatever we are trying to achieve; and
- is bureaucratic but that good governance requires a degree of structured and proportionate bureaucracy.

In the context of an ambitious Council with a diminishing resource, positive governance is critical to achieving our strategic aim of:

"Creating a prosperous Cornwall that is resilient and resourceful. A place where communities are strong and where the most vulnerable are protected".

This is particularly so in the context of the Devolution Deal for Cornwall.

The Strategy recognises our governance strengths and seeks to build upon them so that the organisation and every Member and officer is well placed to play their part in delivering our strategic and operational ambitions in a transparent, efficient and procedurally robust way.

It also supports the eight strategic themes and the values and principles in our 2015-2019 Strategy and the related Business Plan as well as:

- emphasising the governance arrangements through which we will operate the democratic process;
- promoting a move from governance being seen as heavy bureaucracy or regulation to governance being understood as part of business as usual; and
- ensuring our focus is on what is best for Cornwall and its stakeholders and decisions are made in their best interests.

Links with other strategies and initiatives

The Positive Governance Strategy will play a key role in supporting the delivery of the Council's Strategy and Corporate Business Plan. Research has identified that our current systems and processes need to be reviewed for us to become a more efficient and effective Council – which is one of the themes of the Council's Strategy. As our funding from Central Government reduces, we need to be looking at how we can deliver our services differently and become more business-like in the way that we do things. In addition to supporting the delivery of the Organisational Development Framework, the Positive Governance Strategy also has very strong links with the Information Strategy and the Commercial Strategy to ensure that we continue to comply with legislation, guidance, and professional standards. The Positive Governance Strategy will also help to ensure that governance is sound in relation to the delivery of the whole suite of Strategies comprising the Organisational Development Framework

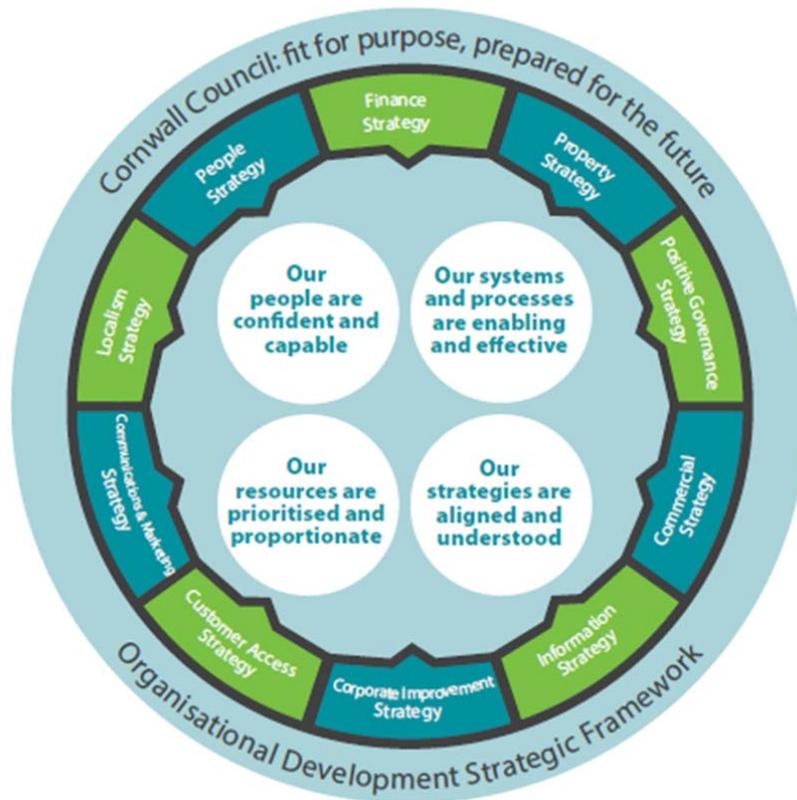
Cornwall Council's Organisational Development Framework

The Positive Governance Strategy is one of ten strategies which sit beneath Cornwall Council's Organisational Development (OD) Strategic Framework.

Each strategy focusses on a different aspect of the organisation and will contribute to the overall ambition of the OD Strategic Framework:

Cornwall Council; fit for purpose and prepared for the future

The Positive Governance Strategy will also contribute to the achievement of the four strategic aims of the OD framework:



The actions identified in the ten strategies will be incorporated into the Council's annual business and service plans for delivery. These are subject to the Council's standard risk and performance management processes.

The Organisational Development Steering Group will monitor delivery of the overall framework and progress towards the four strategic aims.

Context

Cornwall Council is one of the largest unitary authorities in the Country, formed on 1 April 2009 from Cornwall's former County Council, five district councils and single borough council.

We have:

- 123 Cornwall Councillors
- The first rural Devolution Deal in the Country
- Over 210 local councils (parish, town and city) with over 2000 local councillors
- An electorate of over 540,000
- A revenue net budget of about £½ billion
- A geographical area of 3,563 square kilometres (1376 square miles)

Our current governance arrangements

We operate the Strong Leader and Cabinet model of governance. Complementing this are the Council and its various committees, including the Audit, Scrutiny and Policy Advisory Committees.

In addition to this we have:

- the 19 Community Network Panels;
- our Council-owned family of companies that deliver some of the Council's services and which have tailored governance arrangements;
- multi-agency partnerships/working arrangements;
- external scrutiny, including through our external auditors; and
- our officer arrangements including the Corporate Directors Team through to Service Leadership Teams and other officer level engagement and control mechanisms.

This is merely a selection of the various elements of our governance arrangements, of which there are many.

Our principal sources of our governance are:

- legislation and related guidance;
- the Constitution, including various procedural rules, our Financial Regulations and Procedure Rules and our Contract Procedure Rules; and
- various policies and procedures that sit outside of the Constitution, e.g. safeguarding, information management and security, communications, public engagement, equality and diversity, procurement, service level protocols and procedures, complaints and employee policies.

We also have teams with functional governance responsibilities including Audit, Legal, Democratic Services, Corporate and Information Governance, Localism and Business Planning and Development. They can provide advice, information and support to others in delivering their own governance responsibilities. Some of the principal resources available to support the delivery of governance are listed in the annex to this Strategy.

What do we mean by positive governance?

Governance, for our purposes, can be simply described as the rules, processes and laws by which the Council is operated, regulated, controlled and held to account. This includes internal contributors, such as the various procedural rules in our Constitution, external forces, such as primary and secondary legislation (Acts and Regulations), as well as Government guidance and professional standards.

Good governance lies at the heart of everything we do and it will enable us to pursue our vision with mechanisms for control and the management of risk. It also contributes to the confidence the public and our stakeholders have in us individually and collectively as well as in the services we provide.

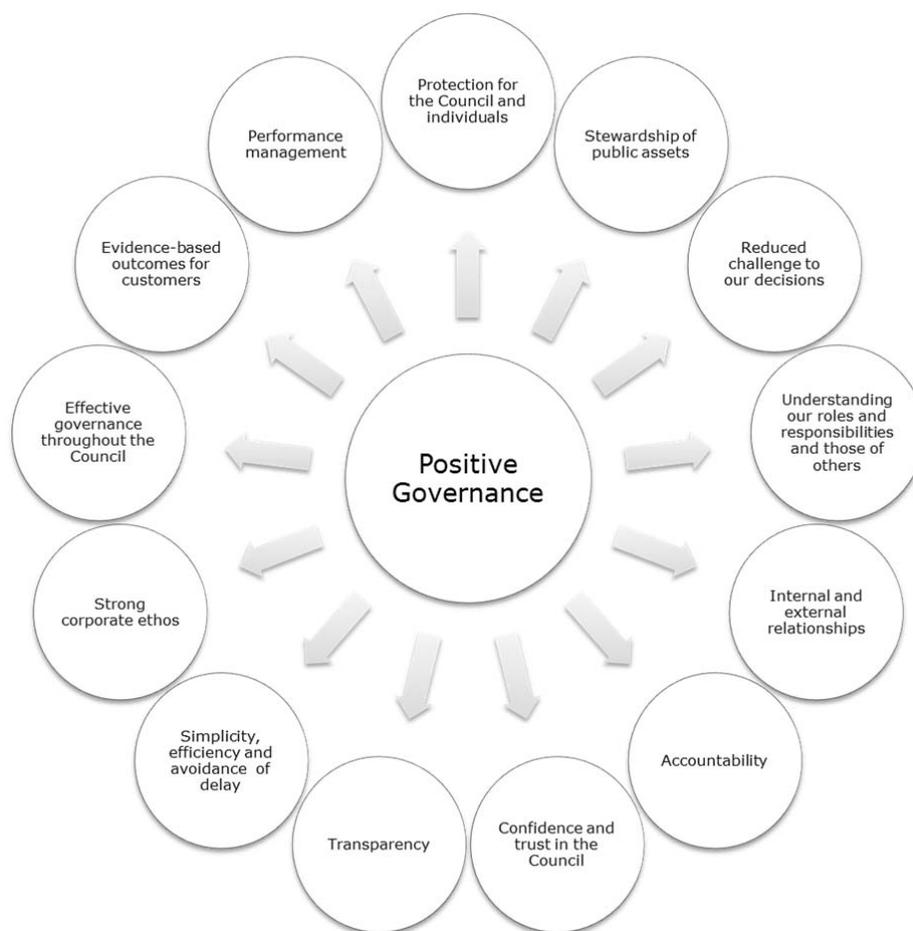
The robust arrangements we have in place for governance support our commitment to, and facilitate the expected levels of, openness and transparency.

Our governance needs to support and not constrain progress and if we get it right we'll be able to transact our business more quickly and efficiently, avoiding delays. Complying with our governance arrangements might sometimes prevent us from progressing as quickly as we would like. Delegated decisions will invariably be made quicker than decisions that have to go through various stages of Member meetings. That is a trade-off we have to accept but it will ensure we act lawfully, mitigate risk, prevent challenge and avoid greater delays through having to correct mistakes.

Positive governance is much wider than just decision-making and:

- embraces as part of the day job all of the controls and measures comprising the governance framework;
- how we best use them to ensure we transact business efficiently and appropriately;
- with risk mitigated and managed so far as possible;
- ensuring appropriate engagement and risk management; and
- achieving our objectives and delivering services to our customers in an open, transparent and effective way.

Some of the benefits of positive governance are reflected in the diagram that follows:



Members and officers

Members and officers have different but complementary roles. This can be described as Members being there to direct and decide with officers there to advise and execute. For example, Members set the council tax, budget, Council Strategy and Business Plan whilst officers provide professional support and are tasked with delivery.

Whatever the distinctions between their roles, what is important is that Members and officers work together effectively to achieve the Council's objectives.

Looking to the future

Our governance arrangements need to be adaptable enough to allow us to improve our systems when we need to. We've recently reviewed our Member governance model and we've reviewed the governance structure for our family of companies. We will need to utilise and adapt our governance arrangements to enable us to deliver the Devolution Deal for Cornwall. This is particularly relevant in the context of integration and decision-making when there are multiple stakeholder interests such as the Council, NHS and LEP. There is also the corresponding need for challenge and accountability.

There will soon be another review of the Council's electoral divisions and there is a possibility that we may end up with fewer Councillors. Any reduction in the number of Councillors will force a further review of our democratic governance arrangements.

We need to work together to make our governance arrangements work and to find the right solution when we identify a problem. Similarly, if we identify better ways of doing things we need to raise them so that we can introduce improvements promptly.

As a continually evolving organisation, the ongoing provision of Member and officer development opportunities is important, not only in relation to specialist topics but also in relation to the general tools and knowledge needed to transact our business, including governance.

How will we deliver the Positive Governance Strategy?

The success of the Strategy is dependent upon changing the understanding, acceptance and application of our governance framework.

We will deliver the Strategy through the activities identified against each of the strategic objectives and in doing so will ensure that:

- those identified take responsibility for the actions allocated to them
- other actions are owned and implemented by the most appropriate people and their delivery monitored, including through the PDS process
- support is provided to officers and Members by the principal governance teams
- constructive challenge is matched with support and guidance
- impediments to the success of the Strategy are positively addressed and escalated where necessary

We will adopt the right methods for providing support including through workshops, written guidance, one to one sessions and the current governance teams continuing to deliver business as usual.

How will we measure our success?

Unlike most of, if not all of the other Strategies within the Organisational Development Framework, this Strategy is primarily about cultural change by changing the understanding and acceptance of governance and the approach to it. It would therefore be difficult to provide credible formulaic or statistical assessment of the means by which we will demonstrate our success. However, the collective expertise of those who provide governance support will ensure effective and objective review of how well we are doing.

Our Positive Governance Strategy is made up of five strategic aims:



Over the following pages each of these is presented as follows: -

- The **strategic aim** describes what we are going to do to support the overall Council Strategy.
- The **rationale** explains why this is important and describes the current context.
- The activities explain **what we will need to do** or put in place to achieve our strategic aim.
- The measures describe **how we will evaluate our success**.

Strategic aim:

Ownership of governance at all levels in the Council

The rationale...

- The need for our governance arrangements and what they require should be better understood across the organisation with better compliance
- Governance is not something to be left to others, particularly our support services, and every Member and officer needs to play their part in compliance if we are to operate efficiently and effectively
- Complying with our governance requirements needs to be accepted as part of the day job and not as a hindrance
- Not all Members and officers are aligned to the current governance arrangements which creates tensions and risks

We will achieve this aim by...

- The Corporate Leadership Team and other managers leading by example in embracing and implementing the strategy and the underlying rules and principles, including ensuring the governance requirements relating to reports seeking decisions are complied with
- Ensuring the Scheme of Delegation and other key controls are simple, effective, practical and easily understood
- Seeking the support of all Members in championing the Positive Governance Strategy and the underlying rules and principles
- Seeking the support of all Members to the principle that once decisions have been made that is the basis upon which the Council will proceed but recognising the possibilities for review in the Constitution and the differences in political views
- Providing support and guidance to empower Members and officers to take ownership of their individual and collective responsibilities, including through development opportunities, written guidance and toolkits
- Constructively challenging any non-compliance with our governance arrangements
- Responding positively to challenges that our governance arrangements are adversely impacting on service delivery
- Escalating any repeated non-compliance to the appropriate senior managers for action

How will we know we've been successful...

The Corporate Leadership Team and Members will be seen to follow and promote the principles of the Positive Governance Strategy

- Service managers will promote and ensure compliance with our governance framework, including particularly in relation to the democratic decision-making process
- Managers and staff take responsibility for governance related to their work
- The quality of reports to decision-makers will improve
- There will be fewer interventions because we will be getting governance right first time more often
- There will be fewer adverse governance control issues identified by the Chief Audit Executive and his team
- There will be fewer delays, risks, costs and lost opportunities through failures to comply with the governance framework

Strategic aim: **Enabling enhanced knowledge and understanding of our governance arrangements**

The rationale...

- Knowledge of our governance arrangements is not as evident as it should be, resulting in governance being seen as a blocker instead of an enabler and safety net
- We are the custodian of public assets worth many millions of pounds and our governance arrangements need to help safeguard those assets
- Failure to comply with our governance arrangements can increase risk and cost and cause lost opportunities, delay, reputational damage and individual accountability
- With a reducing resource it is imperative that Members and officers are able to easily access and use the governance tools and information they need to do their work

We will achieve this aim by...

- Wherever possible simplifying our governance arrangements, providing clear written guidance and clear signposting for Members and officers to sources of advice and support
- Providing learning and development opportunities for Members and officers, including seeking the inclusion of positive governance as an element of pre-candidature information, post-election induction and including activities in the Member Development Programme and in officer development that support them in delivering good governance
- Appropriate use of external support in delivering our aims, such as from the LGA in relation to Member induction and development
- Encouraging support services, primarily Governance & Information, to provide guidance and support on our governance requirements
- Making information about our governance arrangements easily accessible to the public and stakeholders to help them understand how we work

How will we know we've been successful...

- At least 75% of those offered governance learning and development opportunities will have taken them up
- We will be able to show that those who have undertaken governance learning and development opportunities understand our governance arrangements.
- Positive Governance will be a standard element of induction for Members, officers and co-optees
- We will make available a Policy Advisory and Scrutiny Handbook to support understanding of our unique governance structure
- Ongoing guidance on governance will be provided by the Governance teams, including attending Directorate Leadership Team meetings
- Members and officers being less reliant on others by being able to access governance resources themselves.

Strategic aim:

Working together to get governance right

The rationale...

- Everything we do depends on sound governance principles being applied by the right people at the right time and in the right way
- By working together we can more effectively and efficiently achieve compliance with our governance arrangements and reduce our exposure to challenge, risk and expense

We will achieve this aim by...

- Bringing the right people together and invoking the right processes at an appropriately early stage
- The Corporate Leadership Team driving compliance with the governance framework in their areas and encouraging their staff to get support on governance issues at an early stage
- Advice and support being provided by our principal governance leads with governance concerns being highlighted to Service Managers for them to address but with an appropriate level of professional support
- Positively working towards governance controls and requirements being embedded at the outset in business as usual, corporate initiatives and service initiatives rather than as an afterthought
- Encouraging Members to raise concerns over governance compliance with the appropriate senior officers in an appropriate manner.

How will we know we've been successful...

- When there is a common understanding of our governance requirements
- Advice from the principal governance leads is acted upon
- We are able to demonstrate that all parts of the governance framework are operating effectively
- Everyone in the Council will feel free to suggest improvements to our governance arrangements

Strategic aim:

Improved Member engagement

The rationale...

- The Council is comprised of the 123 elected Members who are ultimately responsible for, amongst other things, setting the budget, Strategy and Business Plan and overseeing the day to day delivery by officers
- Timely Member engagement in strategic or other important initiatives will help officers to understand the political and community perspective and react to that in progressing those initiatives
- Members are democratically accountable to the electorate
- Efficient functioning in the context of reducing officer resources is dependent upon strong leadership by Members, including acceptance of the resultant implications
- Members and officers need to engage positively and effectively as we are a single organisation with a common goal

We will achieve this aim by...

- Helping officers understand when to involve Members and what Member meetings are responsible for
- Engaging Members as early as possible in new initiatives and when issues arise in existing initiatives
- Ensuring reports to Members are professional, concise and cover all of the relevant issues
- Ensuring that the timetable for presenting reports to Council, Cabinet and committees is clear to facilitate reports being delivered on time and to the democratic timetable
- Helping officers understand the role of Members and how to operate in a political environment
- Helping Members understand the role of officers, the officer working environment and how to engage positively
- Supporting the effective and efficient functioning of the Scrutiny, Policy Advisory and other 'critical friend' Committees
- Providing Member briefings on important issues.
- Providing Member briefings on important issues

How will we know we've been successful...

- There will be fewer justified complaints from Members about being excluded from the decision-making process
- Important issues are introduced to Members at an appropriately early stage
- Work programmes and calls for reports to Member meetings will be realistic and have regard to the ability to resource them, including expectations on timescales
- The number of reports delivered too late to be published with agendas for Council, Cabinet and committees is kept to an absolute minimum
- Member briefings are well attended
- Officers will be more confident and effective in their engagement with Members and will need less support in doing so

Strategic aim:

Enhanced stakeholder and community access and engagement

The rationale...

- We have effective mechanisms for community engagement, including through the Community Network Panels, our public communications and our website, but we should always strive to improve
- We are committed to being transparent in the way in which we transact our business and make information available to the public
- The changing face of public services dictates that our engagement with stakeholders is timely and effective
- We have a broad range of stakeholders including our owned and controlled companies, local councils, communities and our health partners
- Enhancing access and engagement will inform our decision-making as well as the decision-making of our stakeholders
- We need to have proper regard to representations that are made to us, stakeholders and communities need to be able to understand what we are doing and why and stakeholders and our communities should feel they are able to influence the decisions we make

We will achieve this aim by...

- Timely engagement with stakeholders and communities, whether through formal or informal consultation or other means
- Consultations being timely, meaningful and lawful in relation to both the consultation and the consideration of the responses
- Where appropriate, improving the facilities for stakeholders and communities to access information
- Ensuring there are clear and robust governance arrangements in place for working with our stakeholders and others
- Ensuring there are clear and robust governance arrangements in place for our owned and controlled companies and for our interaction with them and between themselves
- Publishing information so that it is easily accessible

How will we know we've been successful...

- We will spend less time responding to requests for information because people will be able to access published information themselves
- There is improved understanding of the governance requirements between us and our stakeholders
- We will be able to better demonstrate that we have consulted properly and that we have given proper consideration to consultation responses
- We are able to demonstrate that our stakeholders and communities have been able to influence our decision-making
- There are fewer justified complaints about the availability of information
- Our partnership and other collaborative arrangements run smoothly with all involved understanding their roles, governance and other responsibilities, with governance issues being addressed at an early stage

Summary

- Governance is the framework of rules, processes and controls through which the Council is operated and held to account
- The Positive Governance Strategy seeks to ensure:
 - there is improved understanding, ownership and application of our governance arrangements
 - we work together to make good governance part of business as usual, improving our engagement with Members
 - stakeholders and communities are engaged and decisions are made in their best interests and Cornwall as a whole
- Governance is everyone's responsibility and getting it right will make us more efficient and effective and protect the interests of the Council and others

If you would like this information in another format please contact:

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Email: **enquiries@cornwall.gov.uk**

www.cornwall.gov.uk

Annex - resources available to support the delivery of governance

Information:

- Constitution
- Policy Framework
- Protocols and procedures at a Service level
- Local Code of Corporate Governance and all of the sources listed in it
- Audit Charter
- Organisational Development Framework and its constituent parts
- Legislation
- Suite of decision-making guidance notes and flowcharts
- Local Transparency Code
- External guidance
- Alternative Service Delivery governance guidance
- Devolution guidance
- The Case for Cornwall and the Devolution Deal for Cornwall

People:

- Leader and Cabinet Member for Resources
- Members of the Constitution and Governance Committee
- Members of the Audit Committee
- Corporate Leadership Team, including all Heads of Service
- Monitoring Officer and his Deputy
- Chief Financial Officer and her Deputy
- Democratic Services
- Chief Audit Executive and his team
- Legal Services
- Corporate and Information Governance Team
- IS
- Committee Liaison Officers within Services
- Localism Team