

# Governance Framework

# 1. Introduction

*'Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.'*

*'It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.'*

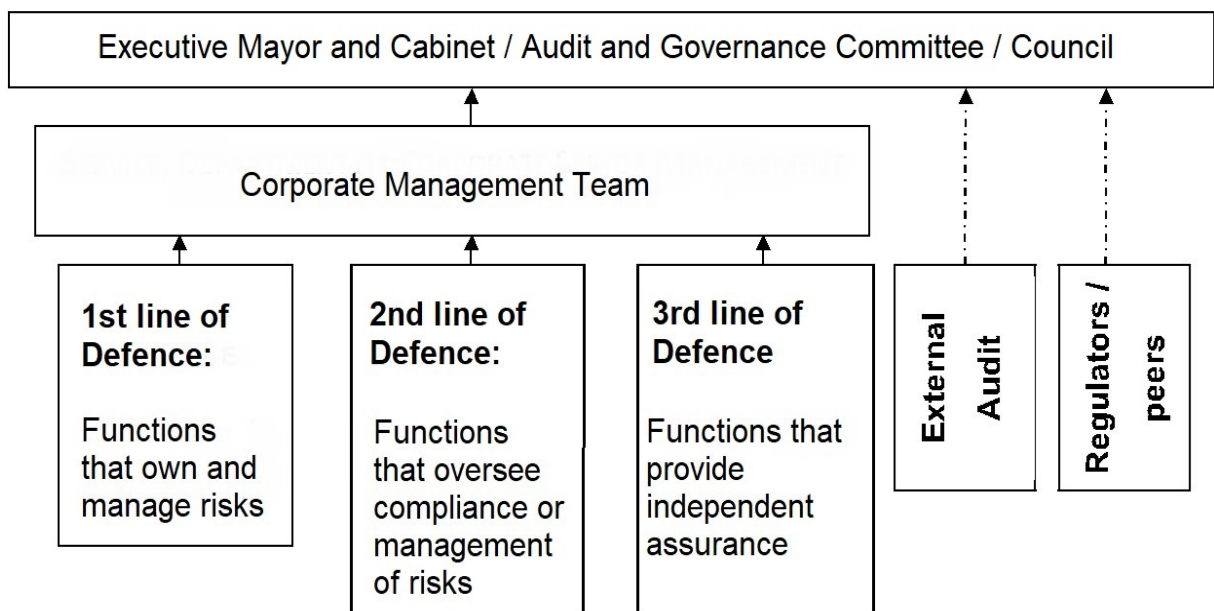
*'Good governance leads to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good outcomes for citizens and service users. Good governance enables an authority to pursue its vision effectively as well as underpinning that vision with mechanisms for control and management of risk. All authorities should aim to meet the standards of the best and governance arrangements should not only be sound but also be seen to be sound.'*

(CIPFA / Solace 'Delivering Good Governance in Local Government Framework' 2007)

- 1.1 Croydon Council has chosen to define Governance as “Doing the Right Thing”.
- 1.2 The Council, through the Corporate Code of Governance, has made a commitment to work to uphold the highest possible standards of good governance. These standards are designed to ensure that we conduct our business in accordance with the law and that public money is properly accounted for, as we work to achieve the best outcomes for our residents.
- 1.3 The Council's Governance Framework is the set of systems, rules, processes, procedures and values by which the Council is directed and controlled and through which it is accountable to, engages with and, where appropriate, leads the community. The Governance Framework enables the Council to monitor the delivery of its objectives and consider whether those objectives have delivered efficient and cost-effective services.
- 1.4 This document describes the Governance Framework for the London Borough of Croydon, detailing the three lines of defence model adopted by the Council, the governance structures in place and the documents that provide the rules and processes. This Framework provides an overview so that we can do the right thing in discharging our accountability for the proper conduct of public business.
- 1.5 Annually the Council considers the effectiveness of its governance arrangements in its 'Annual Governance Statement' and action plan, informed by directors' statements of assurance, which is considered by the Audit and Governance Committee and signed by both the Executive Mayor and the Chief Executive Officer.

## 2. Three Lines of Defence

- 2.1 The Council has based its internal control systems on the three lines of defence model. This model, endorsed by the Institute of Directors and the Institute of Internal Auditors, provides a comprehensive framework for considering the overall arrangements for managing risk and exercising control within an organisation.
- 2.2 Different parts and levels of the Council play different roles and the interplay between these determines how effective the Council as a whole is in dealing with risk and exercising control. Under this model each officer has a responsibility to '**do the right thing**', which cumulatively, with the actions of other officers, provides a strong governance framework.



- 2.3 The **first line of defence** consists of all operational managers (and their staff). The Officer Code of Conduct explains that, '*Everyone who works at Croydon Council has a responsibility to our residents and those who use our services. That is why it is so important we ensure that we are "doing the right thing" and adhering to the high standards of governance at the Council. We are accountable to the people who use our services and live within the borough, and so it is vital that we conduct our business with honesty, transparency and accountability.*' This should also be considered in service planning, performance management and appraisals.
- 2.4 '**Doing the right thing**' means that officers have a responsibility to:

**Know and understand the rules**

Officers should be familiar with the relevant Council policies and procedures (which are summarised in section 3 of this document) so that they can follow these **as well as** understanding the Council's structure / hierarchy (summarised in section 2) so that they can understand how functions and powers have been delegated and how concerns and issues

should be escalated. This is especially important as we have moved to a different governance model with an Executive Mayor and things that officers were familiar with in the past may now have changed .



## Comply with the rules

Officers need to comply with the Council's policies and procedures at all times. This means taking time to implement the required procedures and to properly scrutinise documents rather than taking short cuts or making assumptions about what to do.



## Escalate any wrongdoing

Officers have a duty to escalate if they become aware of any wrongdoing or poor practice/s. This may simply be to their line management, or to the Head of Internal Audit, the Head of Insurance, Risk and Anti-Fraud, or a Guardian or by using the whistle-blowing route. Please note there is a duty on all of us to act.

- 2.5 The **second line of defence**. Reporting to senior management, the second line of defence comprises risk management and other compliance and internal control functions to help build and/or oversee/monitor the first line of defence controls. These help set direction, define policy and procedures and provide corporate assurance and include: Finance, Performance Management, Statutory Compliance e.g. equalities, Information and Cyber Security, Information Management, Quality Assurance, Safeguarding Assurance, Health & Safety, Corporate Resilience, Risk Management etc. Each function will also have its own oversight and reporting.
- 2.6 The **third line of defence** is to provide independent assurance over risks. This consists internally of Internal Audit and externally of bodies such as External Audit, Ofsted, HMRC, CQC, etc.

Internal Audit provides assurance on the effectiveness of governance, risk management and internal controls, including the first and second line controls. Internal Audit is independent of management with direct reporting lines to the Corporate Director of Resources ( S151 Officer), the Chief Executive, the Corporate Management Team and the Audit and Governance Committee. It will regularly report to Audit and Governance Committee on the extent to which officers are implementing agreed actions arising from its work.

### 3. Governance Structure

- 3.1 While this document is mainly aimed at officers, there is also a need for officers to understand the member level structure (and vice versa) and for officers to ensure that decisions are made appropriately in both officer and member spheres. Therefore both (a) member and (b) officer-level structures are detailed. (Please also refer to Appendix 1, which is a high-level diagram of the Council.)
- 3.2 It is also important to understand the distinction between '**executive decisions**' and '**non executive decisions**'. In addition to asking 'is this a member decision or an officer decision?' the question that also needs to be asked is whether 'it is an executive or non-executive decision?'
- 3.3 Generally speaking, the law says that if a matter is a function of the executive then only the Executive Mayor can take the decision, unless the Executive Mayor has delegated the decision to cabinet acting collectively, an individual cabinet member or an officer or another executive body such as a joint committee. If, however it is not a function of the executive then, only the Full Council can either decide it itself, or delegate it to Council non executive committees, or an officer to make those decisions.
- 3.4 Officers will therefore be able to exercise non-executive powers delegated by Full Council (or by council committee) or executive powers delegated by the Executive Mayor, where set out in the Constitution or a scheme of delegation.
- 3.5 It should also be stressed that, while officers may consult with members through day to day briefings or meetings, elected members cannot make formal decisions outside of the formal Council/Cabinet/Committee meetings or published Mayoral/Cabinet Member Decisions. Furthermore, where a decision is considered to be a 'key decision', this must be published 28 days in advance of the decision being made.
- 3.6 A 'key decision' is defined by the Council's Constitution is one that is likely to:
- (i) *'result in the Council incurring expenditure, or making savings, of more than £1,000,000 or such smaller sum which the decision-taker considers is significant having regard to the Council's budget for the service or function to which the decision relates; or*
  - (ii) *significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.'*

This is very important to understand and remember. Failure to follow and maintain this distinction was specifically criticised in the two RIPI's in October 2020 and February 2022.

#### Elected Members

- 3.7 From 9 May 2022 the Council has operated the 'Elected Mayor' model. Under this model the directly elected mayor provides political direction and leadership to the Council. The elected mayor has responsibility for all executive functions of the Council. This; however, excludes the policies contained within the Budget and Policy Framework, (which are proposed by the Mayor but must still be approved by full Council) and non-executive and regulatory functions such as development management, audit and licensing. The elected mayor is required to appoint a Cabinet: the extent to which functions and decision-making is delegated to them or elsewhere is detailed as agreed by the Mayor in the Mayor's Scheme of Delegation.
- 3.8 A Statutory Scrutiny and Overview committee and an Ethics committee must also be in place.
- 3.9 Each of the above are described in more detail below:
- **Full Council:** All 70 Councillors plus the Executive Mayor are entitled to attend and take part in meetings of the full Council. The Council year begins in May and an Annual

Meeting makes appointments to Committees, Sub-Committees, Working Parties and Outside Bodies for that Municipal Year (Note: Executive appointments are made by the Mayor).

Ordinary full Council meetings are held on six other occasions during the Council year. One of the Ordinary Meetings is to set the Council Tax. Extraordinary and Special Meetings of the full Council may also be convened.

Only the full Council meeting may set the Budget for the Authority or approve the policies, plans and strategies that are specified in the Council's Budget and Policy Framework detailed in article 4 of the Constitution.

Further meetings of full Council may be held if necessary.

- **Elected Mayor:** The political leader of the Council, who has overall responsibility for Council policy and the delivery of services.
- **Cabinet:** The Cabinet is appointed by the Elected Mayor and will consist of at least 2, but no more than 9 councillors (including the statutory Deputy Mayor) plus the Mayor. The Cabinet can be made up of different political parties. The portfolio of each Cabinet member will be set by the Elected Mayor.
- **Scrutiny and Overview Committee:** The Scrutiny and Overview function is part of the Council's governance as required by the law for an executive model. The Council has one overarching Scrutiny and Overview Committee encompassing all scrutiny functions required by statute. Seats are allocated according to the rules of proportionality, which provide for the allocation of seats on committees so that they reflect the overall political composition of the Council.

The Scrutiny and Overview Committee ensures the efficient and effective conduct of its responsibilities through the work of a number of Sub-Committees, and 'task and finish' groups.

The Scrutiny and Overview Committee and its Sub-Committees hold the executive to account, monitor the performance of Council services and investigate matters affecting the wellbeing of the borough. In addition the Scrutiny and Overview function has a statutory duty to scrutinise health services, community safety issues and education matters

Any Councillor, except a Cabinet Member, is eligible to be appointed to the Scrutiny and Overview Committee or any of its Sub-Committees. The Scrutiny and Overview Committee reports at least annually to the Council. During the year the Committee and its Sub-Committees may make recommendations to the Elected Mayor and Cabinet and direct to the Council.

- **Ethics Committee:** All members on becoming a member are required to follow the Members' Code of Conduct to ensure high standards in the way they undertake their duties. The promotion of high standards of Member conduct is the responsibility of the Ethics Committee.
- **Health and Wellbeing Board:** This is a formal committee of the Council charged with promoting greater integration and partnership between bodies from the NHS, public health and local government. It has a statutory duty, with clinical commissioning groups (CCGs), to produce a joint strategic needs assessment and a joint health and wellbeing strategy for the local population.

The Board has very limited formal powers and is constituted as a partnership forum rather than an executive decision-making body. It includes representatives of the CCG and local Healthwatch.

- **Other Committees:** The full Council has made arrangements to delegate various powers and duties that are not executive functions to a number of Committees, Sub-Committees and the Chief Executive for the efficient conduct of business. These Delegations are set out in 'Responsibility for Functions' contained in Part 3 of the Constitution. As with the Scrutiny and Overview Committee, seats on the non-executive committees are allocated between the political groups in proportion to their respective numbers of Members.
- **Independent members:** Non-elected individuals (i.e. not Councillors) may be appointed to a Council Committee or Panel. These appointments are mainly to help ensure greater independence, but also may bring specific expertise. These members; however, may not have an executive role.

### Officers

- 3.10 The Chief Executive is the most senior officer in the Council and has delegated to them all the powers of the Council other than those reserved to the Council or to a Non-Executive Committee or Sub-Committee or allocated to the Mayor by statute or by the Constitution.
- 3.11 The Chief Executive and the Corporate Directors may exercise any functions of the Council or the Executive which have been delegated to any other officer and may delegate decisions or functions to one or more officers in any of the Council's directorates, except when prohibited to do so by the Constitution or law.
- 3.12 The current Council structure, approved by full Council on 5 July 2021, provides for a corporate management team, with 7 members as its core membership, and 6 directorates.
- 3.13 The law also requires the Council to appoint certain statutory chief officers that are responsible for the governance of the Council and have specific statutory powers. Similarly, the Council must name the 'proper officers' to undertake specific statutory functions.
- 3.14 Each of the above are described in more detail below:
  - **Chief Executive:** The most senior officer in the Council is the Chief Executive Officer (or Head of Paid Service). Certain matters not reserved to the Council, Elected Mayor, Cabinet or a Cabinet Committee (acting either individually or collectively) are decided by the Chief Executive acting under delegated powers, and the Chief Executive is responsible for deciding how executive decisions are implemented.
  - **Corporate Management Team (CMT):** This is the Council's senior management team, consisting of the Chief Executive, the Assistant Chief Executive and the five Corporate Directors. All the papers of CMT are circulated to all directors and corporate directors, Assistant Chief Executive and the Chief Executive. Reporting into CMT are the respective Directorate Management Teams, Improvement Boards, Programme Delivery Boards and the Internal Control Boards.
  - **Directorate Management Teams (DMTs):** These are the management teams within each of the Council's 6 directorates, each headed up by either a Corporate Director or the Assistant Chief Executive and consisting of Directors and, where they report directly to the Corporate Director or the Assistant Chief Executive, Heads of Service. These directorates are the:
    - Adult Social Care and Health Directorate

- Assistant Chief Executive's Directorate
- Children, Young People and Education Directorate
- Housing Directorate
- Resources Directorate
- Sustainable Communities, Regeneration & Economic Recovery Directorate

Each directorate has its own underlying departmental management structure reporting to the DMT. The DMT's can act as project and programme boards for certain directorate programmes. The DMT's must also consider on a regular basis; health and safety, risk management, finance (operating and capital expenditure), performance management of services and diversity and equalities either in the DMT meetings themselves or as directorate sub groups of the DMT.

- **Internal Control Boards (ICB)** – The ICBs operate alongside the respective departmental structures providing governance over cross departmental matters. The minutes all go to CMT. They include the:

- Capital Board
- Equality, Diversity & Inclusion Board
- Health & Safety Board
- Finance & Assurance
- Performance
- Information Management & Transparency
- Digital
- Resident Voice and Improvement
- Corporate Resilience
- Workforce Board

Each ICB has terms of reference and includes membership from each directorate management team and other officers and is allocated corporate strategies to own on behalf of the Council. ICB's need to be mindful of the relevant work occurring in directorates and not duplicate.

The ICBs can also act where appropriate as a 'Programme Board' in the overall Project & Programme Management Framework for cross-departmental pieces of work, with highlight reports, exception reports, plans and logs being reported to these meetings. Where projects or programmes are specific only to a directorate, the Directorate DMT may act as Programme Board.

- **Improvement Boards:** Improvement Boards are chaired by individuals external to the Council and provide challenge and oversight on improvement work. The following Improvement Boards are either in place or are planned to be in place:

- Children's, Young People and Education Improvement Board
- Housing Improvement Board
- Adult Social Care and Health Improvement Board
- Sustainable Communities, Regeneration and Economic Recovery Improvement Board



- Resources and Assistance Chief Executive's Improvement Board

The minutes of all these Improvement Boards are sent to the next CMT.

- **Programme Delivery Boards:** Programmes of major projects which affect more than one directorate may be delivered via the relevant Internal Control Board or these may be set up in their own right and staffed with officers from across the Council. The minutes of the Boards are sent to CMT.
- **Statutory Chief Officers:** The statutory chief officers are the:
  - Head of Paid Service (Local Government and Housing Act 1989, s 4)
  - Monitoring Officer (Local Government and Housing Act 1989, s 5)
  - S151 (or Chief Finance) Officer (Local Government Act 1972, s 151)
  - Director of Children's Services (Children Act 2004, s 18)
  - Director of Public Health (National Health Service Act 2006, s 73A(1)); and
  - Director of Adult Social Services (Local Authority Social Services Act 1970, s 6(A1))

These are officers that the Council must have in place, some of which may be combined and some of which cannot, but they all have additional personal responsibilities.

In particular, the Head of Paid Service, S151 officer and the Monitoring Officer have statutory mechanisms for bringing concerns to the attention of the Council, and for requiring the Council to consider their decisions and actions publicly. Each of these officers has special employment protection to enable them to highlight their concerns.

There are a number of other statutory officer roles that a local authority must have in place, (such as, but not limited to, a Scrutiny Officer, a Caldicott Guardian, a Head of Internal Audit and a Chief Information Officer) but these are not chief officer posts in their own right.

The three chief officer roles with leading responsibilities relating to governance are the:

- **Head of Paid Service (Chief Executive)** – who is responsible for the overall resources and functioning of the Council.
- **Monitoring Officer** – who is responsible for lawful behaviour
- **S151 Officer (Chief Finance Officer)** – who is responsible for finance and spending

The Statutory Officers' Board is a regular (quarterly) forum by which the above three statutory officers, with other statutory officers in attendance, share concerns and risks related to potential serious issues affecting the Council's governance or financial performance and the statutory roles they hold. This is to help ensure that the maintenance and improvement of governance is a live discussion within the Council at all times and that it is prepared when the Council is faced with new challenges, priorities and workstreams. Matters arising from these meetings feed into the , Finance, Risk and Assurance Internal Control Board or others where relevant. The minutes go to CMT.

- **Proper Officer:** There are certain functions prescribed by statute, where the Council must name the 'proper officer' assigned to undertake each of these functions individually. These functions can only be discharged by that Officer and in the way

prescribed by the statutory provision concerned. In practice the 'proper officer' for a number of these functions is either the Chief Executive, the Corporate Director of Resources or the Director of Finance, although other officers are also named as 'proper officers'.

#### Outside bodies

- 3.15 There are a number of organisations which are independent from the Council, but have an impact on its service areas. In order that the Council can maintain effective partnerships with a number of these organisations, representatives of the Council, usually elected councillors, sit on the various committees and forums that are responsible for these.

## Governance Documents

3.16 The Council's main systems, rules, processes and procedures for officers are set out in several documents, which are described in the subsequent paragraphs. It is the responsibility of each Officer to **read, understand and comply** with the processes and requirements detailed in these documents and maintain their knowledge through completing the mandatory and refresh training as required.:

- **The Officer Code of Conduct:** All staff, through their contracts of employment, are bound to the Council's Officer Code of Conduct. The Code details what the Council expects from each member of staff in terms of how they carry out their work, behave, respect and treat their colleagues and members of the public. The Code also binds staff to the Council's Financial Regulations and Procedures, the Tenders and Contracts Regulations and other documents in the HR Handbook.
- **The HR Handbook** – This is all of the Council's HR policies and procedures, including the Officer Code of Conduct.
- **The Council Constitution:** The constitution is a written legal document that guides the Council on its decision-making processes. The framework is set by legislation. It contains important information on procedures and processes from dealing with petitions to rules of conduct for officers and members.

The constitution is split into chapters, with the introduction setting out how the Council operates, how decisions are made, and the procedures followed to ensure these are efficient, open and accountable to local people. Some of these procedures are required by law while others are a matter for the Council to choose.

Included within the Constitution are the:

- Responsibility for Functions – this is the delegation of responsibilities and functions to the Committees and Sub Committees.
- Financial Regulations - These regulations provide the framework for managing the Council's financial affairs and apply to all members and officers, including interims and consultants. The regulations are supported by a set of mandatory Financial Policies and Procedures which provide more detailed direction on the arrangements to be complied with.
- The Tender and Contract Regulations – These regulations provide the framework for procuring and managing contracts so that these contracts are cost effective and meet the priorities of the Council's Corporate Plan.
- Protocol on staff-councillor relations – this sets out the respective roles of officers and councillors.
- **Mayor's Scheme of Delegation** – Sets out the details of the responsibilities and functions allocated by the Mayor to the Cabinet as a whole or to individual Cabinet Members.
- **Schemes of Management** - In accordance with the Council's Constitution (Section 3 - Responsibility for Functions Part 3 – Scheme of Delegations of Authority to Officers) all matters which have not been reserved to Council or a Committee are delegated to Officers. Each Corporate Director must develop and maintain their own internal scheme of management.

- **Scheme of Financial Delegation** – The Council's Financial Regulations require that the Chief Financial Officer must approve the Council's Scheme of Financial Delegation which sets out the financial authorisation limits for Officers.
- **Whistle-Blowing Policy** - This policy and procedure is intended to ensure that a suspicion of wrongdoing can be raised without fear of reprisals and provide information about how the Council will respond. These concerns may be raised by a Council member of staff, agency staff and self-employed staff carrying out Council work, and the staff of Council contractors carrying out Council work.

3.17 There are a number of other policies and procedures in place within the Council, including some that are directorate based and/or service specific. These include the following, which are key to the governance framework:

- **Audit Charter** – This sets out the purpose, authority and responsibility of the Council's Internal Audit function, in accordance with the mandatory UK Public Sector Internal Audit Standards. This document provides that the Internal Audit function has unrestricted access to all Council records and information, both manual and computerised, cash, stores and other Council property or assets it considers necessary to fulfil its responsibilities.
- **Risk Management Strategy** – This outlines the Council's strategy to identify corporate and operational risks, assess these risks for likelihood and impact, identify mitigating controls and allocate responsibility for the mitigating controls. This should be read with the Council's 'Practical Guide to Risk Management.'
- **Project and Programme Management Framework** - This document sets out the framework within which all Croydon Council projects are laid out in a business case, appraised, funded and managed. In order to ensure effective oversight and management of projects and programmes across the Council, compliance with this framework is mandatory.

3.18 The '[Governance - the Right Thing](#)' section of the intranet contains a number of the key and other guidance documents. It is important that you look at these and familiarise yourself with each.

## 4. Mandatory Training

- 4.1 The Council identifies **mandatory training** which is determined as essential for the safe and efficient delivery of services. This type of training is designed to reduce organisational, financial, reputational or health and safety risks. This training may be required by law or where a statutory body has instructed the council to provide training on the basis of specific legislation. Additionally, this training will comply with local or national policies, government guidelines or as directed by the Corporate Management Team.

### Induction Training

- 4.2 Effective induction is crucial to a new employee's successful assimilation into their role, the organisation and probationary assessment. All new employees to the Council are required to complete an induction process beginning on the first day of the employment which will include completion of mandatory training accessed via the Council's learning management system Croydon Learning.
- 4.3 It is the responsibility of line managers to ensure that all new employees fully complete the induction process during the probationary period including all mandatory training.
- 4.4 It is the responsibility of managers to ensure that temporary workers complete a temporary workers induction and local induction within the first five days of their engagement, including all mandatory training.

### On-going Training

- 4.5 All staff including temporary and agency workers are responsible for ensuring they are competent for their role and have a full understanding of the regulations and requirements related to their duties and responsibilities to enable them to carry out their role.
- 4.6 It is a priority that all employees ensure that training in the mandatory programme and role-specific mandatory training is completed within the expected timescales regardless of an individual's role and should be treated as a high priority in the annual appraisal and development planning cycle.
- 4.7 Managers should ensure that all staff within their services complete mandatory training, as well as ensuring that they have all appropriate training and support to understand and complete their roles.

