

Report to:	MSMTM
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	2 June 2021
Subject/ Title: (and VC no)	Compliance with Governance Reporting Arrangements 2020-21 VC151939
Attached Papers (title and VC no)	None

Purpose of report

1. To provide an assurance report to the Senior Management Team (SMT), as required by the Governance Reporting Arrangements (GRA) (VC110086).

Recommendation and actions

2. I recommend
 - (i) the SMT notes the Committee Report (CR) and the assurance that the GRA have been complied with in 2020-21
 - (ii) this CR is published as set out in paragraph 19.

Executive summary

3. An ad hoc review of the following Key Documents was carried out in October 2020 to enable the interim governance arrangements (put in place following the temporary closure of the office premises on 23 March 2020) to be incorporated into the approved documents, to include updated reporting requirements and to ensure that our governance arrangements remained strong and appropriate in the current working circumstances:
 - C1 Governance Arrangements (GA)
 - C1 Governance Reporting Arrangements (GRA)
4. Governance reporting has continued throughout 2020-21.
5. The table set out in the Appendix provides a format against which compliance in 2020-21 against the reporting requirements has been measured.
6. The table shows that of the 42 reporting measures, 38 were achieved in full, two were partially met, one has not been complied with by the date of this meeting but is due to be complied with in Q1 2021-22 and one has not been met.
7. The two reporting measures that were partially met relate to Equalities Monitoring (users and staff) and the following should be noted:
 - (i) users - further work needs to be undertaken to put in place an appropriate and UK GDPR compliant survey mechanism

- (ii) staff - the survey was delayed as a result of the temporary closure of the office premises due to the COVID-19 pandemic.
8. Of the two reporting measures that have not been complied with the following should be noted:
- (i) Intervention Report – this is due to be complied with in Q1 2021-22
 - (ii) Community Empowerment (Scotland) Act 2015 – clarification is still awaited as to whether the Commissioner is required to submit an annual report under this Act.

Assurance

9. The GRA include a requirement for me to provide the SMT with assurance that the GRA have been complied with in 2020-21.
10. Taking account of the number of measures that have been met and the reasons for the small number of reporting measures that have been partially met or not met, I am satisfied that the GRA have been complied with for 2020 – 21. Therefore, I am able to provide assurance to the SMT that, for 2020-21, there has been compliance with the GRA.

Risk impact

11. This assurance report and the GRA mitigate against strategic and operational risks of not having effective and robust governance arrangements in place.

Equalities impact

12. No direct equalities impact arises directly from this report.

Privacy impact

13. No privacy impact arises directly from this report.

Resources impact

14. The GRA are resource intensive and the work undertaken is met from current resources.
15. Since temporarily closing our office premises on 23 March 2020 and putting in place business continuity arrangements, we have ensured that strong governance remains in place and that the governance reporting continues. Business continuity arrangements are in place and all members of staff are working remotely, with secure access to our office systems. At the time of writing this report, our office premises are due to remain closed until 30 September 2021.

Operational/ strategic plan impact

16. None

Records management impact (including any key documents actions)

17. None

Consultation and Communication

18. MSMTM minute and publication of the committee report.

Publication

19. This CR should be published in full.

Appendix

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
Finance					
1	Financial	Provide assurance that budget is managed effectively, including details of spend against budget with variances, and forecast 'committed spend'.	HOCS	Y	Quarterly financial reports to SMT
2	Time take to pay suppliers	Provide assurance suppliers are being paid promptly and KPIs achieved	HOCS	Y	QSMTM annual report (Q4)
Governance					
3	Assurance for the Governance Statement	Provide assurance to the Commissioner in his capacity as accountable officer as set out in the Internal Control Checklist.	HOCS	Y	Summer (direct to SIC)
4	Compliance with Governance Reporting Arrangements	Provide assurance that the arrangements in this document are being complied with	HOCS	Y	this report

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
5	Equalities Monitoring (Service Users)	<p>Where relevant and appropriate, gather and analyse service user data and use the outcomes to refine policies and practice and also to help demonstrate that the Commissioner meets the public sector duty under the Equality Act 2010.</p> <p>Provide assurance that all policies and projects which impact the public have been equalities impact assessed (including, where relevant and appropriate, a review of any Equalities Impact Form completed as part of a project management process)</p>	HOCS	<p>N- as regards equalities monitoring and EIFs</p> <p>Y – as regards CRs – all have an equalities impact section</p>	<p>Equalities Monitoring in abeyance pending HOCS review of equalities guidance/new survey procedures being put in place</p>
6	Communication Strategy	<p>Set forward strategy and provide annual summary and forward work plan in respect of communications, media and other P&I functions.</p> <p>Limited annual review to ensure aims and messages remain consistent with those of the organisation</p>	HOPI	Y	<p>QSMTM annual report (Q4)</p>
7	Sickness Absence	<p>Provide data on the amount and nature of sickness absence to:</p> <ul style="list-style-type: none"> • support effective management of sickness absence • monitor organisational performance against the agreed benchmark • identify trends which may indicate the need for management action 	HOCS	Y	<p>QSMTM annual report (Q4)</p>

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
8	Workforce Trends	Provide 'Staff in Post' data to inform resource, operational and strategic planning	HOCS	Y	QSMTM annual (Q4)
Human Resources					
9	Employment Policy Update	Apprise the SMT of changes in employment law and provide assurance that the Commissioner's employment policies are legally compliant	HOCS	Y	QSMTM annual (Q3)
10	Equalities Monitoring (Staff)	<p>Demonstrate that the Commissioner meets the public sector equality duty in the Equality Act 2010 by gathering and analysing staff data, and using the outcomes to refine policies and practice</p> <p>Provide assurance that all policies which impact staff have been equalities impact assessed (including a review of Equalities Impact Forms completed as part of the project management process)</p> <p>Provide assurance that staff have undertaken appropriate training to enable them to meet their obligations under the Equality Act 2010.</p>	HOCS	<p>N- as regards equality monitoring and EIFs</p> <p>Y – as regards training for managers</p> <p>N- as regards training for teams which took place in April 2021</p>	<p>QSMTM annual report (Q3)</p> <p>(Equalities Monitoring could not take place in March 2021 as a result of business continuity arrangements and temporary closure of office premises due to COVID-19)</p>

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
11	Learning & Development	<p>Demonstrate that SIC’s learning and development plan is aligned with its HR Strategy and supports effective delivery of its Operational Plan</p> <p>N.B. Plan approved in December 2020 (see also (12) below re: Performance and Development Framework)</p>	HOCS	Y	<p>QSMTM annual report (Q1)</p> <p>L&D Plan approved for 2020 - 21</p>
12	Performance & Development Framework	<p>Provide assurance on the effectiveness of the Framework, including:</p> <ul style="list-style-type: none"> • details of number of reviews completed, and timescales achieved • outcomes e.g. organisation or team level (i.e. not individual) <p>N.B. Due to the temporary closure of the office premises as a result of the impact of the COVID-19 pandemic, and, also, the fact that not all staff were able to work remotely until August 2020, it was not possible</p> <ul style="list-style-type: none"> • for line managers to carry out the annual reviews within the required timescales, that is by the end of May 2020 • for HOCS to use the outcome of these reviews, to assess whether, overall, objectives have been met. • to set personal objectives for each member of staff for 2020-21 until October/November 2020 • to agree personal development plans with each member of staff until October/November 2020 	HOCS	N	<p>QSMTM annual report (Q1)</p> <p>CR submitted to MSMTM on 6 October 2020.</p>

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
13	Review of HR Strategy	Demonstrate that SIC has an effective HR Strategy in place which will enable it to deliver its strategic objectives.	HOCS	Y	QSMTM annual (Q2 instead of Q1)
Information & Records Management					
14	Information and Records Management	<p>Provide assurance that SIC's information and records are being managed in accordance with published policies and procedures, in particular that:</p> <ul style="list-style-type: none"> • records are being destroyed at the appropriate time • records are held for the appropriate time • information is held securely • appropriate back-up arrangements are in place • personal data is being lawfully processed • key documents are being managed in line with the Handbook 	HOCS	Y	QSMTM annual (Q4)
15	Key Documents	<p>Inform operational and resource planning and prioritisation by providing a report on:</p> <ul style="list-style-type: none"> • planned reviews falling due • details of planned reviews completed in the prior period • details of planned reviews not completed in the prior period 	HOCS	Y	Reviewed every two months by SMT

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16	Publication Scheme (SIC)	Provide assurance that SIC is publishing and making accessible as much information as possible, in line with its own published good practice	HOCS	Y	QSMTM annual (Q3)
Performance Management & Monitoring					
17	Enquiries Service	Provide information on key performance measures, volumes and subject matter of enquires to inform resource planning	HOCS	Y	QSMTM six-monthly (Q2 & Q4)
18	Feedback from events and training	Provide assurance that feedback achieves key performance measure and to support continuous improvement	HOPI	Y	Per event schedule
19	Subject Access Requests	Provide information on key performance indicators and volumes	HOCS	Y	QSMTM quarterly (Q1, Q2, Q3 and Q4)
20	Information Requests and Reviews	Provide information on key performance measures, volumes and subject matter of requests and reviews to inform resource planning	HOCS	Y	QSMTM quarterly (Q1, Q2, Q3 and Q4)
21	Information Requests and Requests for Reviews	Provide assurance to HOCS that responses to information requests and requests for reviews comply with relevant legislation and related guidance	HOE	Y	QSMTM (Q4)

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
22	Investigations Performance	Report on performance, including whether key performance measures are being achieved, numbers and KPIs, ages of cases, etc.	HOE	Y	QSMTM quarterly (Q1, Q2, Q3 and Q4)
23	Operational Plan Monitoring	Monitor and provide assurance that activities are progressing to plan and to inform the prioritisation of projects and resources	HOCS	Y	Reviewed every 2 months and monitoring report published after the end of each quarter
24	Publications Schemes (PAs)	Provide assurance that adoptions are progressing in line with key performance indicators	HOPI	Y	QSMTM annual (Q4)
25	Interventions	Provide annual report on interventions carried out in previous financial year N.B. new reporting requirement included following review of GRA in October 2020 – CR due to be submitted in Q1 2021-22	HOPI	N – see N.B.	QSMTM annual (Q1)
26	Quality Assurance – Investigations	Provide assurance on the quality of investigations as defined by the agreed quality criteria as set out in the Investigations Handbook	HOE	Y	QSMTM six - monthly (Q1 and Q3)
27	Quality Assurance - Enquiries	Provide assurance on the quality of responses to enquiries as defined by the agreed quality criteria	HOCS	Y	QSMTM annual Q4
28	Self-Assessment Tools	Provide assurance on the utilisation and effectiveness of the self-assessment tools	HOPI	Y	QSMTM annual Q3

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29	Service Standards	Provide assurance on the quality of service provision, including: <ul style="list-style-type: none"> number of compliments received number of complaints received and their outcomes 	HOCS	Y	QSMTM reports six-monthly (Q2 & Q4)
30	Website	Provide report on website usage and assurance that key performance measure is achieved	HOPI	Y	QSMTM reports (Q2 & Q4)
Risk					
31	Health and Safety	Provide assurance that SIC is meeting its statutory obligations in respect of employee health, safety and well-being, and is providing statutory training	HOCS	Y	QSMTM reports six-monthly (Q1 and Q3)
32	UK GDPR Report	Provide report on UK GDPR and data protection arrangements, including data incidents	HOCS	Y	QSMTM reports quarterly (Q1, Q2, Q3 and Q4)
33	Risk Management	Provide annual assurance that risk is being managed effectively, including a review of the Risk Management Policy	HOCS	Y	QSMTM annual
34	Risk Registers	Provide assurance that risk is being managed effectively, in line with Risk Policy:	HOCS	Y	ORR and Heat Map reviewed every two months SRR and Heat Map reviewed quarterly by QSMTM (Q1, Q2, Q3 and Q4)
		- Operational Risk Register & Heat Map			
		- Strategic Risk Register & Heat Map N.B – revised risk arrangements put in place for Q1 and Q2 following temporary closure of office premises but reporting requirements still met.			
Statutory					

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
35	Annual Report	<p>Provide:</p> <ul style="list-style-type: none"> • Performance Report (HOPI) (HOCS as regards relevant corporate sections) • Parliamentary Accountability (HOCS) <ul style="list-style-type: none"> ○ Commissioner’s Report ○ Statement of Accountable Officer’s Responsibilities ○ Governance Framework/Scheme of Control ○ Remuneration and staff report • Financial Statements (HOCS) • successfully audited Annual Report (AR) (HOCS) • designed, printed and signed ARA (HOPI) • Auditor General clearance for laying (HOCS) • laying of the AR before Parliament (HOPI) <p>AR to be drafted in compliance with the Scottish Public Finance Manual and the Government Financial Reporting Manual (FReM).</p>	HOPI & HOCS (as shown)	Y	2019-20 AR successfully audited, laid before Parliament and published
36	<p>Statements of Expenditure</p> <p>(Public Services Reform (Scotland) Act 2010) (PSR(S)A)</p>	Publish statements of expenditure as required by section 31 of the PSR(S) Act	HOCS	Y	QSMTM annual (Q4)

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
37	Statement on Sustainable Growth (PSR (S) Act)	Publish statements as required by section 32 of the PSR (S) Act N.B. considered and approved at QSMTM on 12/05/2021 subject to small amendment	HOCS	Y	QSMTM annual (Q4)
38	The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017	Publish annual report	HOE	Y	QSMTM annual (Q4)
39	British Sign Language Plan	Action Plan – report and review	HOPI	Y	QSMTM annual (Q4)
40	Biodiversity Report	As required by the Nature Conservation Act 2004	HOCS	Y – report published 2021	Next report due 2024
41	Sustainable Development	Monitor and report on Carbon Footprint	HOCS	Y	QSMTM annual report (Q4)

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42	Community Empowerment (Scotland) Act 2015	Publish annual report (as required)	HOCS	N Awaiting clarification as to how far this duty to report applies to the Commissioner	QSMTM annual (Q1)