

Report to:	MSMTM
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	12 July 2023
Subject/ Title: (and VC no)	Compliance with Governance Reporting Arrangements 2022-23 VC190215
Attached Papers (title and VC no)	Governance Reporting Arrangements 2022-23 (draft) VC190213

Purpose of report

1. To provide an assurance report to the Senior Management Team (SMT), as required by the Governance Reporting Arrangements in place for 2022-23 (GRA) (VC173858) and to review the GRA for 2023-24.

Recommendation and actions

2. I recommend that the SMT:
 - (i) notes the Committee Report (CR) and the assurance that the GRA have been complied with in 2022-23
 - (ii) approves the reviewed GRA that will apply in 2023-24
 - (iii) agrees that this CR and the GRA are published as set out in paragraph 18.

Executive summary

3. Governance reporting has continued throughout 2022-23 and the table set out in the Appendix provides a format against which compliance in 2022-23 against the reporting requirements has been measured.
4. The table shows that of the 42 reporting measures, 40 were achieved in full, one was partially met and one was no longer required.

Partially met

 5. The reporting measure that was partially met relates to (5) Equalities Monitoring (users) and further work is being undertaken to put in place an appropriate and UK GDPR compliant survey mechanism

No longer required

 6. The one reporting measure that is no longer required relates to (42) Community Empowerment (Scotland) Act 2015 – following further clarification, the Commissioner is not required to submit an annual report under this Act.

Assurance

7. The GRA include a requirement for me to provide the SMT with assurance that the GRA have been complied with in 2022-23.

8. Taking account of the number of measures that have been met and the reasons for the one reporting measures that has been partially met or the one reporting measure that is no longer required, I am satisfied that the GRA have been complied with for 2022-23. Therefore, I am able to provide assurance to the SMT that, for 2022-23, there has been compliance with the GRA.

Review of GRA

9. I have reviewed the GRA that will apply in 2023-24 (draft attached) and the SMT is invited to include further comments on the draft.

Risk impact

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

Equalities impact

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

Privacy impact

12. No privacy impact arises directly from this report.

Resources impact

13. The undertaken for the GRA is met from current resources.

Operational/ strategic plan impact

14. None

Records management impact (including any key documents actions)

15. None apart from publication of Key Document.

Consultation and Communication

16. SMT have been consulted on draft GRA 2023-24.

17. MSMTM minute and publication of the CR.

Publication

18. This CR should be published as follows:

- the CR is published in full
- the draft GRA applying in 2023-24 is withheld on the basis that Section 27 of FOISA applies and this key document will be finalised and published in full on our website as soon as possible.

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 Pandl 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	Y	QSMTM annual report (Q4)
11	Learning and Development	Demonstrate that the Commissioner's learning and development plan is aligned with its HR Strategy and supports effective delivery of its Operational Plan	HOCS	Y	<p>QSMTM annual report (Q1)</p> <p>L and D Plan approved for 2022-23</p>

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
12	Performance and Development Framework	Provide assurance on the effectiveness of the Framework, including: <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) 	HOCS	Y	QSMTM annual report (Q1)
13	Review of HR Strategy	Demonstrate that the Commissioner has an effective HR Strategy in place which will enable it to deliver its strategic objectives.	HOCS	Y	QSMTM annual
Information and Records Management					

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
14	Information and Records Management	Provide assurance that the Commissioner's information and records are being managed in accordance with published policies and procedures, in particular that: <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	Inform operational and resource planning and prioritisation by providing a report on: <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 (Commissioner's scheme)	Provide assurance that the Commissioner 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 and 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 and 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 (if undertaken)
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)

Ref	Report	Purpose	Designated Manager	Completed? (Y/N)	Report due at meetings indicated but this may vary
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)
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	HOPI	Y	QSMTM annual (Q1)
26	Quality Assurance – Investigations	<i>Provide assurance on the quality of investigations as defined by the agreed quality criteria as set out in the Investigations Handbook</i> N.B Not required in 2022-23 but reference kept in as placeholder for 2023-24 – first report to SMT will be 2023-24 Q2 (reviewing work in Q1)	HOE	N/A	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

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28	Self-Assessment Tools	Provide assurance on the utilisation and effectiveness of the self-assessment tools	HOPI	Y	QSMTM annual Q3
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 and Q4)
30	Website	Provide report on website usage and assurance that key performance measure is achieved	HOPI	Partial	QSMTM reports (Q2 and Q4)
Risk					
31	Health and Safety	Provide assurance that the Commissioner is meeting 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
		- Operational Risk Register and Heat Map			

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		- Strategic Risk Register and Heat Map			quarterly by QSMTM (Q1, Q2, Q3 and Q4)
Statutory					
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 and HOCS (as shown)	Y	2020-22 AR successfully audited, laid before Parliament and published

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36	Statements of Expenditure (Public Services Reform (Scotland) Act 2010) (PSR(S)A)	Publish statements of expenditure as required by section 31 of the PSR(S) Act	HOCS	Y	QSMTM annual (Q4)
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/A	QSMTM annual (Q1)