

Notice of Meeting and Agenda Audit, Risk and Scrutiny Board

Date	Time	Venue
Monday, 22 January 2024	15:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

MARK CONAGHAN
Head of Corporate Governance

Membership

Councillor Andy Doig (Convener): Councillor Kevin Montgomery (Depute Convener):

Councillor Jennifer Adam: Councillor Chris Gilmour: Councillor John Gray: Councillor Lisa-Marie Hughes: Councillor Robert Innes: Councillor James MacLaren: Councillor Janis McDonald:

Hybrid Meeting

Please note that this meeting is scheduled to be held in the Council Chambers. However, it is a hybrid meeting and arrangements have been made for members to join the meeting remotely should they wish.

Webcasting of Meeting

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<https://renfrewshire.public-i.tv/core/portal/home>

Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online

at <http://renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx>

For further information, please email

democratic-services@renfrewshire.gov.uk

Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the customer service centre where they will be met and directed to the meeting.

Apologies

Apologies from members.

Declarations of Interest and Transparency Statements

Members are asked to declare an interest or make a transparency statement in any item(s) on the agenda and to provide a brief explanation of the nature of the interest or the transparency statement.

AUDIT

- | | | |
|----------|---|----------------|
| 1 | Summary of Internal Audit Reports for period 01 October to 31 December 2023 | 5 - 20 |
| | Report by Chief Auditor. | |
| 2 | Internal Audit and Counter Fraud Progress and Performance for Period to 31 December 2023 | 21 - 28 |
| | Report by Chief Auditor. | |

MONITORING & REVIEWING SERVICE DELIVERY PERFORMANCE POLICIES AND PRACTICE

- | | | |
|----------|---|----------------|
| 3 | Dargavel Primary School Independent Review recommendations – actions monitoring report | 29 - 54 |
| | Report by Chief Executive. | |
| 4 | Scottish Information Commissioner – Annual Report | 55 - 58 |
| | Report by Director of Finance & Resources. | |
| 5 | Scottish Public Services Ombudsman (SPSO) Annual Report 2022/23 | 59 - 64 |
| | Report by Director of Finance & Resources. | |

6	Commissioner for Ethical Standards in Public Life in Scotland – Annual Report 2022/23	65 - 72
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Report by Director of Finance & Resources.

ANNUAL PROGRAMME

7	Neighbour Disputes - Lead Officer Roz Smith	73 - 82
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Report by Lead Officer.



To: Audit, Risk and Scrutiny Board

On: 22 January 2024

Report by: Chief Auditor

Heading: Summary of Internal Audit Reports for period 01 October to 31 December 2023

1. Summary

- 1.1 In line with the Public Sector Internal Audit Standards, Internal Audit must communicate the results of each engagement to the Board. To comply with this requirement, Internal Audit submits regular reports on the findings and conclusions of audit engagements to the Audit, Risk and Scrutiny Board.
- 1.2 Appendix 1 provides details those audit engagements completed during the period 1 October to 31 December 2023 with the overall assurance rating and the number of recommendations in each risk category. The committee summary for each report is also attached. For each audit assignment where recommendations have been made, the relevant managers have put action plans in place to address the issues raised.
- 1.3 In addition to the reports listed in the Appendix, Internal Audit has an ongoing commitment to:
- A range of corporate and service initiatives;
 - Progressing of information security matters in partnership with ICT and Legal Services;
 - The regular provision of advice to departmental officers;
 - The provision of internal audit services to the associated bodies for which Renfrewshire Council is the lead authority and to OneRen and Renfrewshire Health and Social Care Integrated Joint Board;

- Co-ordination of the Council's corporate risk management activity;
 - Management of the counter fraud team;
 - Management of the risk management and insurance team.
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2. **Recommendations**

- 2.1 Members are invited to consider and note the Summary of Internal Audit Reports finalised during the period from 1 October to 31 December 2023.
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Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community Planning – Safer and Stronger** - effective internal audit is an important element of good corporate governance.
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights** – None
8. **Health & Safety** – None
9. **Procurement** - None
10. **Risk** - The summary reported relates to the delivery of the risk-based internal audit plan.
11. **Privacy Impact** – None
12. **COSLA Implications** – None
13. **Climate Risk** - None

Author: Karen Campbell – 07768354651

Appendix 1

Renfrewshire Council

Internal Audit Service

Update for Audit, Risk and Scrutiny Board

Final Audit Reports issued from 1 October – 31 December 2023

Category	Service	Engagement	Assurance Rating	Recommendation Ratings			
				Critical	Important	Good Practice	Service Improvement
Assurance	Finance and Resources	Variations of Pay	Reasonable	0	2	1	0
	Chief Executives	Planning Processes	Reasonable	0	2	1	0
	Environment, Housing & Infrastructure	Housing Assurance Statement	Substantial	0	0	0	0
		Roads, Labour and Plant Contract	Limited	2	3	0	0
Governance	Chief Executives	Performance Management	Reasonable	0	0	3	0

Note – No assurance rating can be given in respect of investigation assignments

Assurance Level	
Substantial Assurance	<ul style="list-style-type: none"> • There is a sound system of internal control designed to achieve the objectives of the area being reviewed. • The control processes tested are being consistently applied.
Reasonable Assurance	<ul style="list-style-type: none"> • The internal control processes are generally satisfactory with some areas of weakness being identified that could put some objectives of the area being reviewed at risk • There is evidence that the level of non-compliance with some of the control processes may put some of the

	objectives of the area being reviewed at risk.
Limited Assurance	<ul style="list-style-type: none"> Weaknesses in the system of internal controls are such as to put the objectives of the area being reviewed at risk. The level of non-compliance puts the objectives of the area being reviewed at risk.
No Assurance	<ul style="list-style-type: none"> Control processes are generally weak with significant risk to the achievement of the objectives of the area being reviewed. Significant non-compliance with control processes leaves the processes/systems open to error or abuse.

Recommendation Rating	
Service Improvement	Implementation will improve the efficiency / housekeeping of the area under review.
Good Practice	Implementation will contribute to the general effectiveness of control.
Important	Implementation will raise the level of assurance provided by the control system to acceptable levels.
Critical	Addresses a significant risk, impacting on the objectives of the area under review.

Internal Audit Report

Finance & Resources

Payroll Overpayments (A0031/2023/001)

Date: October 2023

COMMITTEE SUMMARY

Audit Objectives

The objectives of the review were to ascertain the main reasons for overpayments occurring and ensure that;

1. The payroll processes in place to pay employees accurately are adequate and well communicated to services to minimise the amount of overpayments occurring;
2. Overpayments arising, are recorded and employees are notified timeously;
3. Overpayment reports are regularly sent to senior management and regularly reviewed;
4. Reasons for overpayments are ascertained by service management and action is taken to strengthen controls where required;
5. Employees and former employees have been made aware of their responsibilities and action to be taken in relation to overpayments.

Audit Scope

1. Interviewed the appropriate staff to understand the systems in place to enable employees to be paid accurately and minimise the amount of overpayments occurring.
2. Prepared a series of tests to meet the above objectives.

Key Audit Assurances

1. The value of payroll overpayments has decreased in recent years although the number of overpayments has remained relatively static.
2. Payroll overpayments are being identified and acted upon by Business Services employees more quickly than in previous years.
3. The Salary Adjustment Policy provides clear guidance as to the responsibilities and actions to be taken in relation to recovery of payroll overpayments for employees and former employees.

Key Audit Risks

1. The risk of avoidable overpayment is increased where clear and accessible guidance is not made available to services managers to inform them of the correct procedures and the required payroll deadlines.
2. Where employees are not informed timeously about payroll overpayments, it can make them more difficult to recover and there may be reputational damage to the council.

Internal Audit Report
Finance & Resources
Payroll Overpayments (A0031/2023/001)

Date: October 2023

Overall Audit Opinion

Improvements in processes and increased awareness over recent years has resulted in the value of overpayments being significantly reduced. By far, the main reason for overpayments occurring is late notification of changes by managers within the employing service. The auditor has recommended that clear and accessible guidance should be made available to service management, along with regular communications to ensure that newer managers are aware of the deadlines and where they can access relevant guidance.

Management Commentary

To ensure we receive notification of permanent payroll changes as quickly as possible, we are on the process of streamlining our leavers and flexible working request forms onto the Business World system and on completion, the process to be followed will be communicated to Managers. A monitoring process for the recovery of overpayments has now been put in place.

Internal Audit Report

Chief Executive

Planning Processes (A0053/2023/001)

Date: October 2023

COMMITTEE SUMMARY

Audit Objectives

The objectives of the audit were to ensure that:

- 1 Adequate documented procedures are in place for administering planning applications and building warrants and these are available to all relevant officers;
- 2 All applications received are recorded, processed in accordance with procedures and timescales and records are accurately updated;
- 3 All appeals received are recorded, processed in accordance with procedures and timescales and records are accurately updated;
- 4 Fees charged for planning applications and building warrants are correctly applied and paid;
- 5 Performance indicators are monitored and reported to management.

Audit Scope

- 1 Interviewed the appropriate staff to ascertain the processes and controls in place for administering planning applications and building warrants and assessed them for adequacy.
- 2 Prepared and undertook a series of tests based on sampling to confirm the adequacy and effectiveness of the controls identified.

Key Audit Assurances

- 1 Adequate documented procedures from the Scottish Government are in place for administering planning applications and building warrants and these are available to all relevant officers.
- 2 All building warrants and planning applications tested were recorded, processed in accordance with procedures and records were accurately updated.
- 3 All appeals received tested were recorded and processed in accordance with procedures and timescales.
- 4 Fees charged for building warrants and planning applications tested and were correctly applied and paid.
- 5 Performance indicators are monitored and reported to management.

Key Audit Risks

Where building warrants and planning applications take longer than expected to complete, this can result in delays and potentially additional costs for clients.

Internal Audit Report
Chief Executive
Planning Processes (A0053/2023/001)

Date: October 2023

Overall Audit Opinion

The audit identified that a satisfactory system is in place for administering building warrants and planning applications. However, the timescales for completing both building warrants and planning applications are regularly substantially longer than targets, which can result in delays and potentially additional costs for clients undertaking building projects.

Management Commentary

Staff retention and recruitment in this field is challenging and vacancies are being carried for longer than intended. These staff resource pressures are having an effect on the speed of the decision-making process. Alternative resource options and service process improvements are being explored and implemented by management where possible , including our “grow our own” training scheme.

Internal Audit Report

Environment, Housing & Infrastructure

Housing Assurance Statement (A0116/2024/001)

Date: October 2023

COMMITTEE SUMMARY

Audit Objectives

The objectives of the audit were as follows:

1. Environment, Housing and Infrastructure are complying with the requirements of the Annual Assurance Statement to the Scottish Housing Regulator.
2. There is sufficient evidence held by the Service to demonstrate compliance with the requirements of the Annual Assurance Statement.

Audit Scope

1. Reviewed the Annual Assurance Statement to the Scottish Housing Regulator and through sample testing, ensured that appropriate evidence was held to confirm that Environment, Housing and Infrastructure are complying with the requirements of the Annual Assurance Statement.
2. Ensured that appropriate evidence was available to support a sample of indicators and management information outlined in the Social Housing Charter submitted to the Scottish Housing Regulator.

Key Audit Assurances

1. Satisfactory evidence was available to demonstrate that Environment, Housing & Infrastructure are complying with the requirements of the Annual Assurance Statement.
2. For the sample of outcomes tested, satisfactory evidence was available to support the actual outturns reported in the Social Housing Charter.

Key Audit Risks

There were no key risks identified during the audit.

Overall Audit Opinion

Based on a sample check of the evidence used to demonstrate compliance, we would confirm that the Council complies with the requirements of the Housing Assurance Statement.

Management Commentary

N/A as no key risks were identified.

Internal Audit Report
Environment, Housing & Infrastructure
Housing Assurance Statement (A0116/2024/001)

Date: October 2023

Internal Audit Report

Corporate



Contract Audit - Roads Labour and Plant Contract (A0014/2024/001)

Date: December 2023

COMMITTEE SUMMARY

Audit Objectives

The objectives of the audit were to ensure that: -

- The Contract is being used appropriately and only where necessary.
- There are adequate supporting records available to evidence usage of any equipment hired through the Contract and it is utilised efficiently.
- There are robust contract management arrangements in place to monitor and report on supplier performance.
- Financial recording for services provided by the contractor is in line with standard accounting practice.

Audit Scope

1. Interviewed the relevant officers and obtained the required information and documentation relating to the Vehicle and Plant Hire with Operatives Contract.
2. Prepared a series of tests to meet the detailed audit objectives.

Key Audit Assurances

- Documentation is available to evidence usage of equipment hired through the contract.
- Financial recording for services provided by the contractor is in line with standard accounting practice.

Key Risks

- The contract is not being used efficiently as the council is being invoiced for times when the equipment was no longer required.
- The contract is not adequately managed by the Corporate Procurement Unit to ensure that the contractor is performing to expectations.

Overall Audit Opinion

Issues were identified in relation to the hire of operatives without machinery, paying for hire when the equipment had been returned and also paying an inflated price for fuel. Furthermore, concerns were identified in relation to the lack of contract management. The Auditor was advised that for a period, usual practices had been affected by COVID. For these reasons, assurance within this area was found to be limited. Recommendations have been made within the report which will improve controls.

Internal Audit Report

Corporate



Contract Audit - Roads Labour and Plant Contract (A0014/2024/001)

Date: December 2023

Management Commentary

The Corporate Procurement Unit have now schedule quarterly review meetings with the Contractor, the delivery of the agreed community benefits will form part of these review meetings. Service management have also worked alongside colleagues from the CPU to agree contract variations to formalise the current operational arrangements. It should be noted that the fuel price being paid, included a fuel delivery change and this has now been split out in the revised contract arrangements. All actions arising from the audit report have now been completed.

Internal Audit Report

Chief Executive

Performance Management (B0009/2023/001)

Date: December 2023

COMMITTEE SUMMARY

Audit Objectives

The objectives of the review were to ensure that:

1. There is an adequate system in place to record Performance Indicators.
2. There are appropriately challenging targets set for Performance Indicators which are reviewed at regular intervals.
3. There are processes in place to review any variances where targets are not being achieved and that the appropriate action is taken on any adverse results.
4. Performance Indicators are reported both internally and externally to all relevant stakeholders in an acceptable format and in a timely manner.

Audit Scope

1. Checked that an adequate system is in place to record the required performance information for each indicator selected and evaluated for adequacy.
2. Obtained details of targets set for a sample of indicators and through discussion and comparison determined if they are meaningful and challenging.
3. Obtained a sample of underperforming indicators, ascertained the review process and check that sufficient action was being taken to address the issues.
4. Checked that there was adequate management oversight for the selected Performance Indicators.
5. Ensured that the information is reported within the agreed timescales to all relevant parties and is in a format that they can engage with.

Key Audit Assurances

Performance Indicators are reported both internally, through Service Improvement Plans and externally, through the Local Government Benchmarking Framework (LGBF) and as part of Public Performance Reporting Arrangements to relevant stakeholders in an acceptable format and in a timely manner.

Key Audit Risks

There were no key risks identified during the audit.

Overall Audit Opinion

LGBF indicators are used to measure performance and are then compared with other local authorities for benchmarking purposes. They are recorded, along with other performance indicators, on the Council's Pentana system. Some issues were noted with some of the information held on the system. Some of the information held requires to be updated and also any improvement actions being undertaken requires to be recorded for each performance indicator to strengthen the performance monitoring arrangements in place.

Internal Audit Report
Chief Executive
Performance Management (B0009/2023/001)

Date: December 2023

Management Commentary
Management will implement the three suggested improvements to strengthen existing practice.



To: Audit, Risk and Scrutiny Board

On: 22 January 2024

Report by: Chief Auditor

Heading: Internal Audit and Counter Fraud Progress and Performance for Period to 31 December 2023

1. Summary

1.1 The Internal Audit Annual Plan was approved by the Audit, Risk and Scrutiny Board on 13 March 2023. Internal Audit measures the progress and performance of the team on a regular basis using a range of performance indicators. This report monitors progress from 1 April 2023 to 31 December 2023, in terms of the delivery of the Audit Plan for the year and compares actual performance against targets set by the Director of Finance and Resources.

1.2 In terms of Counter Fraud, no formal performance targets for fraud investigation have been established for the following reasons. A major part of their work involves being the single point of contact (SPOC) for the Department for Work and Pension's (DWP) Single Fraud Investigation Service and the Service Level Agreement for this work contains time targets for completing this work. The types of fraud referrals received to date are wide ranging and the team's objective is to concentrate on investigating those referrals considered to contain the greatest fraud risk. They are also involved in promoting fraud awareness and assisting with the implementation of adequate fraud prevention measures within the Council.

1.3 All of the Internal Audit Team and Counter Fraud Team are currently working on a hybrid basis and also undertake home/site visits when the need arises. We also provide advice and support where necessary to council services.

- 1.4 The report details progress against local and national initiatives involving Internal Audit and the Counter Fraud Team from 1 April 2023 to 31 December 2023.
-

2. **Recommendations**

- 2.1 Members are invited to note the Internal Audit and Counter Fraud Team progress and performance to 31 December 2023.
- 2.2 Members are asked to approve the proposed amendments to the Annual Internal Audit Plan for 2023/2024.
-

3. **Background**

- 3.1 The progress and performance of the Internal Audit Team is subject to regular monitoring using a number of performance measures. The Director of Finance and Resources has set annual targets for the team to demonstrate continuous improvement. In terms of the Counter Fraud team, there are time targets in place for responding to requests from the DWP's Single Fraud Investigation Service. Due to the diverse nature of fraud referrals no formal performance targets have been established and the outcomes from investigations is regularly monitored by management. In addition, the Counter Fraud Team are heavily involved in fraud prevention measures within the Council.
- 3.2 Internal Audit and the Counter Fraud Team support a variety of local and national initiatives through participation in professional practitioner groups and co-ordination of national initiatives such as the National Fraud Initiative.
- 3.3 This report measures the progress and performance of both the Internal Audit and Counter Fraud Team for the period from 1 April 2023 to 31 December 2023.

4. **Internal Audit Team Performance**

(a) **Percentage of audit plan completed as at 31 December 2023**

This measures the degree to which the Audit Plan has been completed.

Actual 2022/23	Annual Target 2023/24	Audit Plan Completion Target to 31 December 2023	Audit Plan Completion Actual to 31 December 2023
93.2%	95.0%	66.5%	64.2%

The audit plan completion indicator is slightly below target. The main reason for this is a long term absence in the team and also staff tend to take any remaining leave they have in December. In addition, unplanned training opportunities have arisen which the team have participated in. Management will monitor this indicator closely in the last quarter of the year and explore all possible opportunities to improve this indicator.

(b) Percentage of assignments complete by target date

This measures the degree with which target dates for audit work have been met.

Target 2023/24	Actual to 31 December 2023
95.0%	100%

Actual performance is ahead of the target set for the year.

(c) Percentage of audit assignments completed within time budget

This measures how well the time budget for individual assignments has been adhered to.

Target 2023/24	Actual to 31 December 2023
95.0%	96.9%

Actual performance is slightly ahead of the target set for the year, although this is likely to reduce over the remainder of the year.

(d) Percentage of audit reports issued within 6 weeks of completion of audit field work

This measures how quickly draft audit reports are issued after the audit fieldwork has been completed.

Target 2023/24	Actual to 31 December 2023
95.0%	100%

Actual performance is ahead of the target set for the year, although this is likely to reduce over the remainder of the year.

5. Review of the 2023/24 Internal Audit Plan

- 5.1 Our 2023/24 Audit Plan is subject to ongoing review in light of any organisational risks arising, and also to determine whether any assignments will have to be amended or cancelled as result of us being unable, for any reason, to undertake the work planned. At this stage we are not recommending any further amendments to the plan.
- 5.2 However, we do have a long term absence within the team and this may result in assignments being completed later than planned. The Internal Audit Plan progress will continue to be closely scrutinised by management. We have now completed a 6 monthly review with each of the service senior management teams and there appears to be no issues in undertaking the remaining audit plan assignments, although we have been asked to delay the commencement of a couple of assignments and this has been accommodated.
- 5.3 It should be noted that our staff training budget has now exceeded the planned time set aside. The main reasons for this are that the Chief Auditor is participating in the Leadership Management Programme which was instigated during this year and the Audit Staff have had the opportunity to participate in audit training events being run by other Local Authorities. As these opportunities were not planned in the current audit plan, this may have an effect of the completion of our operational time percentage but we are managing this carefully and at this stage, we are forecasting that there will be underspends in other areas of non-operational time which will compensate for this.
- 5.4 Any further proposed amendments to the audit plan will be brought to this Board for approval.

6 Counter Fraud Team Progress and Performance

- 6.1 In line with the Service Level Agreement, the Counter Fraud Team act as the Single Point of Contact (SPOC) to route potential housing benefit fraud referrals to the DWP, liaise with the Council's Housing Benefit Team and DWP Fraud Officers and retrieve the necessary evidence for the DWP Fraud Officers from the Housing Benefit System. Where a suspicion of fraud arises, the team investigate and report their findings to management. Where appropriate, follow-on action is taken, such as reporting the matter to Police Scotland for further investigation, or directly to the Procurator Fiscal. In addition, they also work jointly work with DWP Fraud Officers on criminal fraud investigations which focuses on the investigation and prosecution of the Local Authority administered Council Tax Reduction Scheme and Social Security benefit fraud. In addition to investigation work the team also undertake fraud prevention work.
- 6.2 During this quarter, we have been working on the various fraud referrals received and continue to complete investigations into matches received in January 2023 from the National Fraud Initiative,

administered by Audit Scotland. As part of our fraud prevention work, we are continuing to validate the numerous bank account or remittance contact changes received from the Council's suppliers and contractors and the details supplied by new Housing Applicants.

6.3 The financial and non-financial results for the period (April 2023 to December 2023) are noted in the table below.

Financial Outcomes	Period to 31 December 2023 (£)
Cash savings directly attributable to preventative counter fraud intervention	4,364
Cash recoveries in progress directly attributable to counter fraud investigations	66,190
Housing Benefit Savings Attributable to Joint Working by Counter Fraud and DWP Counter Fraud Officers	12,684
Notional savings identified through counter fraud investigation, (e.g. housing tenancy and future council tax)	212,357
Non-Financial Outcomes	Period to 31 December 2023
Housing properties recovered	2
Housing applications amended/cancelled	6
Housing Allocation Priority Changed	1
Blue badge misuse warning letters issued	16
Blue Badges Cancelled	2
Supplier/Contractor Checks Undertaken	231

6.4 Our notional savings are based on the methodology prepared by the Cabinet Office and this has been revised from April 2023.

7. Local and National Initiatives

Scottish Local Authorities Chief Internal Auditors Group

7.1 The Local Authorities Chief Internal Auditors Group met in December and received updates from the Chairs of the various specialised audit focused topic groups including risk and data analytics which have been established. The Computer Audit Sub-Group also met and the focus of this meeting was artificial intelligence.

Scottish Local Authorities Investigation Sub-Group

- 7.2 The Local Authorities Investigation Sub-Group also met in December and received useful presentations from the HM Revenue and Customs Intelligence Bureau regarding the type of data intelligence which should be sent to them and LoCTA which is the Local Authority data hub established to assist authorities in tracing debtors and tackling fraud.

External Quality Assessment

- 7.3 We are continuing to progress the agreed action plan arising from our second external assessment reviewing how our service undertakes some of its functions to ensure the actions are completed by the agreed timescale.
- 7.4 We have also completed the external quality assessment of Inverclyde Council and the findings will be reported to their management shortly.

Revised CIPFA Guidance – Audit Committees

- 7.5 We have completed a self-assessment workshop with the members of the Renfrewshire Integration Joint Board Audit Risk and Scrutiny Board to identify any actions required to comply with this guidance and a similar exercise will be undertaken with the members of this Board in the next quarter.

National Fraud Initiative

- 7.6 To date, £48,583 of savings have been recorded on the Portal by Council Staff involved in the exercise and are currently in the process of being recovered. In addition, £315,625 of notional savings have also been identified. This includes the cancellation of 149 blue badges as the holder is deceased, future council tax reduction savings and amendments to the housing waiting list. This work is still ongoing.
- 7.7 A new suite of specialist matches have been received matching property ownership, earnings and capital and household composition data to HM Revenue and Customs data has been received this quarter and the Counter Fraud Officers are currently working on a sample of these to determine the likelihood of outcomes from these matches.

Counter Fraud Training

- 7.8 We continue to promote our counter fraud e-learning course throughout the Council and we have received some requests for some bespoke training which will be delivered in early 2024.

Implications of the Report

1. **Financial** - The Council has in place arrangements to recover the any overpayments identified from the work of the Counter Fraud Team and the National Fraud Initiative.
2. **HR & Organisational Development** - None
3. **Community Planning – Safer and Stronger** - effective internal audit is an important element of good corporate governance.
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights** - None
8. **Health & Safety** – None
9. **Procurement** - None
10. **Risk** - The progress and performance reported relates to the delivery of the risk-based internal audit plan and the mitigation of the risk of fraud and error.
11. **Privacy Impact** – None
12. **COSLA Implications** – None
13. **Climate Risk** - None

Author: Karen Campbell – 07768354651



To: Audit, Risk and Scrutiny Board

On: 22nd January 2024

Report by: Chief Executive

Heading: Dargavel Primary School Independent Review recommendations – actions monitoring report

1. **Summary**

1.1 The findings of an independent review into the circumstances of the errors in planning and delivery of primary school provision in the Dargavel area were reported to Council in June 2023. At the same meeting, a further report was presented outlining the initial high level Council response to recommendations of the independent review.

1.2 A detailed action plan was provided to the previous meeting of the Board; with a commitment that updates would be provided to future Board meetings. In this regard, this report provides an update and further detail on the actions the Council has taken, and plans to take, in addressing the recommendations within the independent review. A total of 24 actions are complete with 12 on track to be completed. 3 have not yet commenced.

1.3 The Council has been advised that the Controller of Audit has decided to use the reporting powers available to her under s102 (1) of the Local Government (Scotland) Act 1973 to bring this issue, and the action the Council is now taking in response to the Bowles report, to the attention of the Accounts Commission. The report was published on the Accounts Commission website on 4 January in advance of the Commission meeting on 11 January, where the report was considered.

The Commission will inform the Council in due course of any findings it has made in relation to the report. As at the point of drafting of this report, the Council has had no notification of any findings.

2. **Recommendations**

- 2.1 Note and consider the update provided in Appendix 1 in relation to the Council's response actions.
-

Implications of the Report

1. **Financial** – whilst there will be significant capital and revenue implications for the Council in resolving the Dargavel issue, there are no financial implications for the Council as a result of this update report.
2. **HR & Organisational Development** – the report outlines a leadership development programme with a focus on key issues raised in the independent review around governance, risk management, corporate working and culture.
3. **Community/Council Planning** – the report outlines ongoing action being taken to develop an engagement and ongoing communication process with affected communities.
4. **Legal** – none
5. **Property/Assets** – none
6. **Information Technology** – *n/a*
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report as it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – *n/a*
9. **Procurement** – *n/a*
10. **Risk** – the report outlines the action being taken in relation to risk management.
11. **Privacy Impact** – *n/a*
12. **Cosla Policy Position** – *n/a*
13. **Climate Risk** – *n/a*

Author: *Alan Russell, Chief Executive*

Action	Target Completion	Responsible Officer	RAG Status	Update
Bowles Report Recommendation 1 Build a more robust model of primary school need for Dargavel - the Council should continue to refine its pupil forecast model for Dargavel.				
<p>Response Objectives</p> <p>Deliver robust projection modelling for Dargavel and PMHS which: -</p> <ul style="list-style-type: none"> • considers live information arising from NHS, pupil & ELC registrations, the pace of development to date, certainty over development size and likely pace of future build out rate, • utilises external data analytics and projection expertise to augment and enhance the Council’s in-house forecasting approach to ensure modelling is robust, underpinned by external challenge and specialist input reflecting the complexity and significant portion of Dargavel that has yet to be developed out over a circa 10 year period, • provides modelling output which considers potential future upper scenarios reflecting the high yield factors reflected in the 2023/24 P1 intake to inform immediate decisions on scale of capacity to be delivered as well as planning for potential additional interventions at a future time, • delivers modelling output which provides a long-term view beyond the anticipated completion timeline for Dargavel to ensure the long term impact of Dargavel is modelled and understood, • provides modelling output over the long term which indicates both the scale, timing and shape of an anticipated peak in demand that will accompany a development of this scale and nature. This will provide visibility of the anticipated short-lived peak in demand and long term settled demand to ensure this is appropriately reflected in estate/capacity decisions and in particular to mitigate against delivery of excessive long term / permanent increase in capacity that would result in excess unused surplus capacity over the long term. • Provides modelling that can be tested and revised as necessary as new key data becomes available such as P1 and S1 registrations, actual scale and pace of the development and any new developments, which will continue to inform decisions on any future estate interventions if required. 				

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
Complete Council modelling through to the anticipated end date for the housing development (2033/34) based on assumed 4,300 units and available live data.	October 2022	Director of Children’s Services	Complete	Completed October 2022
Engage and appoint Edge Analytics to deliver enhanced modelling approach for both Dargavel primary requirements as well as PMHS out to 2033/34 and updated live datasets.	February 2023	Director of Children’s Services	Complete	Completed February 2023 including additional upper forecast scenarios for Dargavel non-denominational requirements to support management of risk associated with long term yield remaining at similar level to 2023/24. Informed reports to Education and Children’s Services Board in March and May 2023
Extend Edge engagement to deliver an enhanced model projecting out to 2038 to provide longer term forecast to assess the full impact on the secondary sector and allow identification of likely timing and scale of peak demand encapsulating any relevant updates to live datasets.	September 2023	Director of Children’s Services	Complete	Modelling completed which has identified an anticipated peak period in both primary and secondary sectors and will be reported to Education and Children’s Services Board in November 2023.
Provide update to November Education & Children’s Service Policy Board.	November 2023	Director of Children’s Services	Complete	Two update reports were taken to the November ECSPB: <ul style="list-style-type: none"> 1. Learning Estate 2. Dargavel Housing Development – Impact on Denominational Education Provision Link
Update Edge Analytics modelling for newly released national Census data and expand across the whole school estate and establish modelling dashboard to support ease of updating and rapid re-assessment of revised projection that will be utilised on an ongoing basis over future years, both for	January 2023	Director of Children’s Services		This piece of work has been commissioned with expected completion, end January 2024.

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
Dargavel / PMHS but also as part of the strategic Learning Estate programme.				
<p>Bowles Report Recommendation 2</p> <p>Use of Bishopton Primary - in its future plans the Council should reconsider how surplus capacity at Bishopton can be used effectively.</p>				
<p>Response Objectives</p> <p>Consider and assess how existing capacity within Bishopton Primary School may be best utilised to support the Dargavel catchment over the immediate term and potentially over the longer term, taking into consideration the uncertainty and risk over the long-term demand levels that will ultimately emerge for primary education from Dargavel as well as the expectation of a temporary peak period of demand.</p> <p>Provide a report to Education and Children’s Services Board setting out a clear overview as to how Bishopton PS capacity will be utilised to support temporarily over the short term period and how it may be considered amongst other options for use to support Dargavel in the longer term (noting that any such longer term use will be subject to detailed consideration and decision at an appropriate point in future years).</p>				
Complete assessment of anticipated P1 intake from Dargavel catchment and assess against revised DPS capacity availability, establish planned P1 intake capacity cap and anticipated P1 intake requiring accommodation at Bishopton Primary School.	August 2023	Director of Children’s Services	Complete	Planned use of Bishopton Primary School along with planned capped entry levels to Dargavel Primary School reported an approved at Education and Children’s Services Policy Board in August 2023. There will be a requirement to annually monitor anticipated and actual P1 intakes carefully to assess adequacy of short term capacity provision across both Dargavel and Bishopton Primary Schools to meet demand pending the second primary school in Dargavel coming on stream.

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
<p>Complete an exercise to assess the timing, scale and range of potential demand level scenarios, in particular understanding the scale and timing of the peak demand and likely settled long term demand. This information will be used to inform the assessment of how Bishopton Primary School could, if required, be potentially be utilised as an option in the longer term.</p>	<p>January 2024</p>	<p>Director of Children’s Services</p>	<p></p>	<p>Completion of the updated work with Edge Analytics has provided a view of the likely timing and length of the peak demand period – with peak primary demand being forecast in 2033/34 which will fall over the second half of the 2030s to a more settled level. Further work is being progressed to update this information for the recently released 2023 census information and November registration data to inform an overall assessment.</p>
<p>Complete financial analysis to understand the potential financial context of utilising Bishopton Primary School Capacity</p>	<p>May 2023</p>	<p>Director of Finance and Resources</p>	<p>Complete</p>	<p>Bishopton PS is a predominantly 1960s construction and is more than 60 years old. This building will, along with the whole school estate, undergo an updated condition survey over coming months. Notwithstanding, given the underlying age of the building it will inevitably have a limited remaining lifespan before being considered for replacement.</p> <p>Existing surplus capacity if used permanently to reduce the required size of a second Dargavel primary school, will require to be replaced as part of a renewal programme. The determination of the timing of that will be subject to work progressed as part of the strategic learning estate programme.</p> <p>Consequently, it has been assessed that any financial advantage from utilising Bishopton PS will be restricted to a temporary time value of</p>

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
				<p>money benefit and consequently will be relatively limited.</p> <p>In addition, there is also a risk that utilising Bishopton PS permanently removes its availability to provide supporting capacity to manage both a temporary peak that may arise from upper end educational demand scenarios and longer term upper end demand. There could be the risk that in such circumstances if Bishopton capacity was no longer available this would lead to higher overall costs over the longer term for the Council.</p> <p>The financial considerations and risks will be incorporated into the overall assessment scheduled to be reported as part of the Education & Children’s Services Board report in January.</p>
<p>Set out overview in a report to the Education and Children’s Services Policy Board in respect to the potential long-term utilisation of Bishopton Primary School which will be subject to detailed consideration at an appropriate point in future years as actual long term demand trends increasingly emerge.</p>	<p>January 2024</p>	<p>Director of Children’s Services</p>		<p>Work to allow appropriate recommendation to be made is progressing in line with plans and scheduled to be reported to Board in January 2024</p>

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
<p>Bowles Report Recommendation 3</p>				
<p>As the Council progresses its plans to issue supplementary guidance on developer contributions for education it should seek to learn from other Councils in Scotland.</p>				
<p>A development the size of Dargavel is exceptional and would need its own modelling techniques. However, for smaller developments the Council should create an evidence base to calculate specific yield factors derived from recent developments in Renfrewshire. Such robust data will ease future negotiations.</p>				
<p>Undertake a desk top review of other local authorities across Scotland and identify key best practice councils to engage.</p>	<p>June 2023</p>	<p>Head of Economy and Development</p>	<p>Complete</p>	
<p>Complete detailed engagement with identified best practice councils arising from desk top research</p>	<p>Summer 2023</p>	<p>Head of Economy and Development</p>	<p>Complete</p>	<p>Detailed engagement completed with Fife, Falkirk and West Lothian councils.</p>
<p>Complete data analysis exercise of a range of datasets of mixed historic sites across Renfrewshire to provide empirical evidence to support actual pupil yields to inform establishment of appropriate yield factors to be used in future contribution policy.</p> <ul style="list-style-type: none"> • Refresh % capacity of all schools (vs school rolls) • Sample research of Pupil Product Ratio (PPR) for developed housing sites (< 10 units) [min 10 site sample] • Sample research of PPR for developed housing sites (> 100 units)[min 10 site sample] • Sample research of PPR for established / mature housing development to provide longer term perspective (eg. 15 years old) (> 100 units)[min 4 site sample] • Identify individual schools where pupil capacity is above notional threshold (85%) • Identify all known undeveloped housing sites in individual school catchments • [Subset of 5] identify all housing sites with current "live" planning application • Identify schools where it is anticipated intervention would be required to increase capacity based on potential future housing to be delivered over next 10 years to inform likely future developer discussions. 	<p>October 2023</p>	<p>Head of Economy and Development</p>	<p></p>	<p>Updated datasets (e.g. census data released by NRS) now available to allow detailed data analysis to be completed. Work is almost complete. Transposing housing number on to school capacities currently underway. First seven bullet points now complete</p>

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
<p>Incorporate into the development of the draft contributions policy targeted to be presented to the Planning and Climate Change Policy Board in January 2024.</p>	<p>January 2024</p>	<p>Head of Economy and Development</p>	<p></p>	<p>This remains the targeted date but it will be informed by complexity of any additional work that may be identified from the data analytics workstream.</p>
<p>Bowles Report Recommendation 4</p> <p>Council needs to work co-operatively with BAE. Unless the Council and BAE can work together to resolve the current problems, BAE may face accusations, whether founded or not and regardless of Council incompetence, that it has increased its profits at the expense of Council taxpayers.</p>				
<p>Response Objectives</p> <p>Secure legal ownership of suitable land to facilitate delivery of a second school within Dargavel Village as well as additional land next to existing school site to provide increased flexibility to meet potential future extension of the school and or establishment of greater outdoor space.</p> <p>Secure legal commitment from BAE to provide land remediation and associated infrastructure requirements as part of legal agreement at nil cost to the Council.</p> <p>Secure as part of the legal agreement certainty on consented planning numbers and any associated adjustments to s.75 agreement to reflect revised agreement.</p>				
<p>Secure with BAE agreement on Heads of Terms for allow for mutual governance approval from each organisation to inform detailed legal agreement drafting and final sign off</p>	<p>As soon as possible was targeted.</p>	<p>Chief Executive</p>	<p>Complete</p>	<p>This was completed and approved by ILE Board end of August</p>
<p>Secure completed and signed legal missives to deliver in full the objectives outlined above to provide certainty and timing of availability of remediated and infrastructure proofed land to support wider school delivery planning and</p>	<p>August 2023</p>	<p>Chief Executive</p>	<p>Complete</p>	<p>Legal missives concluded mid-September</p>

Action	Target Completion	Responsible Officer	RAG Status	Update
consultation arrangements that will be progressed by the Council team.				
Proposed revisions to S.75 negotiated with BAE Systems were approved by ILE. Revised S.75 signed off by both the Council and BAE Systems to legally conclude matters.	August 2023	Head of Economy & Development	Complete	Approved by planning and Climate Change Board end of August
<p>Bowles Report Recommendation 5</p> <p>Corporate working and organisational culture - although I understand that the Council has sought to improve and strengthen corporate working in recent years, the evidence would suggest there is a long way to go; simply establishing corporate working groups is insufficient if staff are in a mindset of 'not my problem'.</p> <p>The failure of management oversight, if symptomatic of the Council as a whole, would be deeply disturbing. The Council needs to consider a significant change programme, not just on the of issue of corporate working and personal responsibility, but also its organisational culture and values. It needs plans to build a stronger organisation where constructive challenge is welcomed and there is a clarity of what is expected of all of those in a leadership role.</p>				
<p>Response Objectives</p> <p>Provide assurance that established programme governance framework and operations of governance for other major capital investment programmes and specifically that the Bowles findings on the historic failings on the handling of Dargavel by officers are not representative of the Council’s current culture and approach to the management and delivery of major programmes.</p> <p>The Council is committed to living its values as a learning and collaborative organisation and post COVID was already in the process of re-establishing an Leadership Development programme for senior leadership teams and managers across the Council in recognition that this required to be reinvigorated post COVID and that there has been significant turnover in management and senior positions over the past three years and this would support growing and maturing the current culture and collaborative connections across the organisation.</p> <p>In response to the Bowles recommendations, the objective is to ensure the new Leadership Development programme is appropriately cognisant and reflective of the key learning points from the Bowles report and takes the opportunity to ensure its coverage seeks to re-enforce the development of skills related to governance, risk management, commercial risk, corporate working and culture etc and effectively utilises failures referenced in the Bowles report as key examples for learning throughout the programme. Collective reflection and learning of such significant failures – albeit historical – is recognised as an important element of building an effective future culture and ways of working across the organisation.</p>				

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
<p>Undertake a health check assessment on major capital programmes to provide reassurance in respect to all aspects of governance, control, reporting and management of programmes.</p>	<p>October 2023</p>	<p>Chief Executive supported by CMT</p>	<p>Complete</p>	<p>City Deal and Infrastructure Health Check report was submitted to CMT on 21 November 2023.</p>
<p>Put in place arrangements to deliver a comprehensive Leadership Development Programme (circa 12 months + programme) for chief officers and senior managers which amongst other things will cover and key areas referenced in the Bowles report in respect to governance, accountability, risk management, collaborative working, member officer relations etc.</p>	<p>Commence programme by September 2023</p>	<p>Director of Finance & Resources and Head of HR & OD</p>	<p></p>	<p>Contract engagement in place and resources secured from SOLACE Enterprises to support co-designed and co-delivered programme.</p> <p>Initial Chief Officer programme launch event occurred on 3rd October with focusing on personal resilience.</p> <p>The 2nd programme was run on 24th October 2023 which focussed on Effective Communications and Elected Member Relations</p> <p>There have been some slight amendments to the programme and the 3rd programme will run on 1st December focussing on Programme Management, Leading and Navigating Strategic Change, along with our SOLACE facilitator, an external Local Authority Project Management subject matter experts will also be in attendance supported by our own internal Project Management lead.</p> <p>The Risk Management and Governance workshop was delivered on 12th December 2023.</p>

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
				<p>The programmes into next year as planned as below.</p> <p>January – Transformational Leadership February – Delivering Corporate/Team Values and Vision</p> <p>There has been excellent attendance at all the sessions so far. Planning for the Management/Leadership cohort will start in December 2023, with an objective to commence this programme early 2024.</p>
<p>Design and undertake an evaluation process of the Leadership Development Programme for Chief Officer cohort to inform required changes / adjustments to programme delivery for next management cohort.</p>	<p>March 2024</p>	<p>Head of HR and OD</p>	<p>Not commenced</p>	
<p>Bowles Report Recommendation 6</p> <p>Risk management</p> <p>From documents I have seen the Council was unaware of the scale of risk it was taking in the calculation of pupil numbers. The identified risk in Council documents related to providing the school on time, not that the size of the school may prove to be inadequate. The failure to identify that risk has had two consequences; first the Council has been slow to react to the increase in pupil numbers and second the Council did not negotiate with BAE with that risk in mind.</p> <p>The Council needs to review how it both identifies risk and manages it.</p>				
<p>Response Objectives</p> <p>Progress actions to provide reassurance in relation to the Council’s current risk management approach, in particular how this is approached, deployed and managed as part of major projects as well as considering and assessing the seniority / appropriateness of officer involvement and related skills across officers involved in the process.</p>				

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
A review of risk profiles across all service departments to ensure visibility of all risks and confirmation of where certain risks are being monitored if outwith the standard Risk Reports to the Audit, Risk and Scrutiny Board (i.e., Health and Safety Planning Groups, Service Improvement Plans etc)	October 2023	Director of Finance and Resources	Complete	Risk report submitted to Audit, Risk & Scrutiny Board as planned on 6 November 2023.
A review of the ‘service risk representative’ roles in each service department to ensure the representatives who sit on the Corporate Risk Management Group are sufficiently involved in risk matters within the service, to feed this into the Corporate Risk Management Group and that they also have authority within the service to provide challenge as a ‘critical friend.’	October 2023	Director of Finance and Resources	Complete	Action completed. CMT agreed (10 October), that each Director will nominate a Head of Service and one other colleague to support the Head of Service in the role going forward.
Delivery of a project risk management workshop specific to the planned new primary school in Dargavel (complete)	August 2023	Director of Finance and Resources	Complete	Workshop delivered covering nature of project risks, risk changes over lifecycle of the project; reminder of Council PM framework and PMU support; key issues re good governance
Delivery of project risk management training with all PMU colleagues (in a train the trainer format) so colleagues are delivering this as part of project kick-offs to support a more risk focussed culture in the organisation.	September 2023	Director of Finance and Resources	Complete	This was completed on 12/10/2023. PMU staff received a ‘train the trainer’ session to enable them to cover running risk awareness sessions at project kick-offs to support a more risk focussed culture in the organisation.
Undertaking a ‘health check’ of project management arrangements across the council to ensure governance, management, reporting and risk management is appropriate to the scale of the project.	November 2023	Director of Finance and Resources	Complete	Compliance review of all PMU supported projects complete. All projects demonstrated a satisfactory level of risk governance and management.

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
An update to the risk management course on iLearn and consideration of whether it should be a mandatory course.	December 2023	Director of Finance and Resources		Work underway (drafted and submitted to corporate training colleagues), decision on mandatory status to be confirmed by CMT.
Embed and deliver risk management training into the new leadership development programme that is currently under development, particularly in relation to commercial risk	December 2023	Director of Finance and Resources		Session was initially scheduled for 8 November, but the delivery organisation required the date to be altered.
Reviewing governance documents to ensure delegations in relation to liability caps are clear and unambiguous.	December 2023	Director of Finance and Resources	Complete	Consultation with Head of Corporate Governance concluded that governance documents do not require amendment, but rather, more training would be required on what was expected within existing delegations. The training was delivered to CMT on 28 November 2023.
<p>Deliver a targeted risk management development day for Chief Officers:-</p> <ul style="list-style-type: none"> • Project risk management (and risk simulation exercise) • Risk horizon scanning and sustainability (the Global Risk Report) • Liability caps and their implications 	December 2023	Director of Finance and Resources	Complete	The training session has been prepared and was delivered to CMT on 28 November 2023.
It is recognised that Dargavel Village has a significant amount of housing development yet to be delivered (circa 2000 housing units over a 10 year period) and therefore many of the associated risk that existed at the beginning of the development continue to exist today albeit there is live data to inform future projections from the first circa 2,300		Director of Children’s Services		

Dargavel Independent Review
 Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
<p>units that have been delivered. Manage ongoing education demand risk relating to Dargavel through: The Council therefore continues to face risk and uncertainty in relation to accurately projecting the scale and timing of future education demand which will continue to have inherent uncertainty and risk. In recognition of this the Council will continue to progress the following actions to manage and mitigate this risk:-</p> <p>Securing robust long term demand projections which provide both a core projection, potential upper scenario and a long term view of the potential scale and timing of short term peak demand to inform decisions on capacity provision.</p> <p>Identify now a range of flexible options that are and will remain available to in future years to deliver, if required additional capacity (both temporary capacity and permanent long term capacity) to ensure the Council can be reassured of being able to respond appropriately to the potential for upper end demand scenarios and or temporary demand peaks to emerge.</p> <p>Establish process and arrangements to support and provide detailed monitoring and updates to projections for updates to actual data sets to facilitate a continual re-assessment of longer term trend and likely requirements / decision point required in relation to deployment of potential additional interventions.</p>	<p>September 2023</p> <p>January 2024</p> <p>January 2024</p>		<p>Complete</p> <p></p> <p></p>	<p>Further updates will be completed in this respect for updated datasets available from November registration data and recently released NRS Census data</p>

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
<p>Bowles Report Recommendation 7</p> <p>Whilst protecting the integrity of the planning process, the Council needs to ensure the appropriate involvement of members in such developments.</p> <p>Additional Council Motion Council agrees that in light of the Independent External Review of Dargavel that there is a requirement to convene a cross party body to discuss and review existing governance arrangements of Renfrewshire Council.</p>				
<p>Response Objectives</p> <p>Assess the extent to which major investment projects have provided sufficient engagement with elected members through both formal governance routes as well as through briefing sessions, engagement sessions, group presentations, site tours etc. Identify any adjustments or improvements required moving forward.</p> <p>Provide officer support to a cross party group to of elected members to agree the remit and progress a discussion and review of the Council’s formal governance arrangements in line with the motion approved.</p> <p>Carry out an assessment of the Audit Risk and Scrutiny Board against CIPFA’s published good practice guide for audit committees.</p>				
<p>Undertake a health check assessment on major capital programmes to provide reassurance in respect to extent to which elected member involvement has been appropriately secured through formal governance reporting as well as via other appropriate informal engagement routes.</p>	<p>October 2023</p>	<p>Chief Executive supported by CMT</p>	<p>Complete</p>	<p>City Deal and Infrastructure Health Check report was submitted to CMT on 21 November 2023. Other programmes to be reported to CMT.</p>
<p>Support Council Leader and other nominated elected members to determine a review remit, progress the review and develop suitable recommendations.</p>	<p>March 2024</p>	<p>Head of Corporate Governance</p>	<p></p>	<p>The Cross Party Working Group has been established and met four times, with a further meeting being scheduled. A report to Council will be submitted setting out the findings of the review in due course (it is anticipated this will be to the 29 February meeting)</p>

Action	Target Completion	Responsible Officer	RAG Status	Update
Carry out an assessment of the Audit Risk and Scrutiny Board against CIPFA’s published good practice guide for audit committees and identify any recommendations for change in remit or operational arrangements.	December 2023	Director of Finance and Resources		An initial assessment against the CIPFA guidance has been undertaken by the Chief Auditor and a draft training needs analysis has been prepared. A meeting has been scheduled for 21 December with the Chief Auditor, Head of Corporate Governance and Director of Finance and Resources to discuss the draft assessment and the format for the members development session. The development session will be arranged with members of the Board early in the new year.
<p>Bowles Report Recommendation 8</p> <p>Public confidence</p> <p>These recent events and the matters described in this report will dent public confidence in the Council. The Council should work in an open and transparent manner in the resolution of these issues and particularly with the residents of Dargavel, who have legitimate concerns about the implications for their children during both their primary and secondary education.</p>				
<p>Response Objectives</p> <p>The key aim has been to provide straightforward messaging and up to date sitreps to ensure publics (and council representatives) have the most up-to-date position and the complexity of the issue is explained in a simple and honest way and that parental/carer concerns in respect to the school and educational environment are able to be appropriately discussed through structured engagement arrangements with the parent councils with appropriate agreed actions taken forward.</p> <p>The strategy has been designed to:</p> <ul style="list-style-type: none"> - Improve the flow and regularity of information to parents and carers and the wider Dargavel community, so they are first to hear about decisions impacting their community. - Ensure parents and carers have access to all projection data available to the council. 				

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
<ul style="list-style-type: none"> - Introduce direct communication channels with Dargavel residents, enabling all sections of the community to engage on matters that are important to them and making sure the latest information is accessible and easy to find. - Provide residents with a feedback loop to enable them to ask questions of the council in relation to the development and have questions answered quickly. - Include the community in formal planning and design of a new primary school and high school extension. <p>It is recognised that effective communication and engagement is important to building a new relationship between the Council and the Dargavel community, but ultimately it will take the delivery of the solution and investment in long term engagement to reduce local anxiety and fully rebuild trust and confidence in the Council.</p>				
	Target Completion Date	Responsible Officer	RAG Status	Update
Develop communication plan to drive tactical engagement, ensuring the Dargavel community and specifically parents and carers kept updated on progress and the decisions being made by Council Boards.	November 2022	Head of Marketing and Comms	Complete	<p>The strategy has directed media and stakeholder engagement in relation to council decisions pertaining to Dargavel, the initial announcement and short-term mitigation arrangements, and the publication of the Independent external review by David Bowles. The specific activities delivered include:</p> <ul style="list-style-type: none"> • Arranging and hosting two parent and carer meetings, attended by council officers and more than 220 parents or carers. • Attending several parent council meetings with all primary schools and PMHS to support direct engagement, discussion on key activities, immediate estate decisions in respect to deployment of modular classrooms and post occupancy adjustments at Dargavel

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
				<p>Primary, sharing and discussion of revised projection data and modelling, key council decision points, independent review outcomes.</p> <ul style="list-style-type: none"> • Attending several community meetings from community council, Community Liaison Group as well as supporting coordination and delivery of wider community representative round table session to maintain ongoing engagement, sharing of information and data sharing. • Updating parents and carers at Dargavel Primary on progress and all reports to Council Boards and decision making in relation to immediate solutions to address capacity issues at Dargavel/ • Updating Bishopton Community Council on progress above. • Responding to media enquiries, requests for interview and ensuring the media were proactively updated on progress. • Ensuring the wider area stakeholders were kept up to date on progress – this includes community representatives, wider Parent Council groups and local and national politicians. • Maintaining updated information on the council website • Delivered a creative partnership with Glasgow School of Art and Dargavel Primary School to

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
				support pupils design the interiors of the new modular classroom block.
<p>Deliver a revised comms and engagement strategy to coincide with the return to school period along with timing of key milestone points in relation to post independent review and moving towards confirmation of progress with BAE systems and moving more significantly into a delivery phase. This will ensure long term engagement process continues to build pro-active and positive engagement to continue to re-establish trust and confidence across the Dargavel community.</p>	August 2023	Head of Marketing and Comms	Complete	<p>The Dargavel communication and engagement strategy was reviewed following the publication of the Bowles Report. The strategy covers the development of long-term solutions to increase primary and secondary capacity. The key aim has been to provide straightforward messaging and up to date sitreps to ensure publics (and council representatives) have the most up-to-date position and the complexity of the issue is explained in a simple and honest way. We committed from the outset to ensure those members of the community directly impacted (and their representatives) are first to hear about the steps being taken to deliver a solution and the decision-making process involved. The strategy has been designed to:</p> <ul style="list-style-type: none"> • Improve the flow and regularity of information to parents and carers and the wider Dargavel community, so they are first to hear about decisions impacting their community. Ensure parents and carers have access to all projection data available to the council. • Introduce direct communication channels with Dargavel residents, enabling all sections of the community to engage on matters that are important to them and making sure the

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
				<p>latest information is accessible and easy to find.</p> <ul style="list-style-type: none"> • Provide residents with a feedback loop to enable them to ask questions of the council in relation to the development and have questions answered quickly. • Include the community in formal planning and design of a new primary school and high school extension. <p>Activity delivered from October 2022 to present includes:</p> <ul style="list-style-type: none"> • Planned and hosted 2 public meetings • Monthly updates to the council website • 13 update letters issued to parents and carers at Dargavel Primary School and shared with community stakeholders. • 3 proactive media updates and the handing of almost 50 media enquiries to ensure the council’s right of reply - including arrangements for broadcast interviews. • Ongoing Elected Member briefings and MP/MSP briefings to ensure all political representatives are kept up to date on matters relating to the Dargavel Community. • Following publication of the Review, individual meetings took place with four local community representatives who

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
				<p>were interviewed for the Review to include next steps. Ongoing engagement continues with two representatives to provide a sounding board for communication and engagement.</p> <ul style="list-style-type: none"> • August 4, the council’s senior team attended a Round Table Meeting with Bishopton Community to discuss education provision and leisure and recreation provision. • From August, introduced a new opt-in community newsletter, promoted locally to encourage resident sign up. • Established the Park Mains Liaison Group, attended by the Parent Council Chairs of all Park Mains catchment primary schools, to ensure we can collectively plan the high school extension and effectively engage with the wider school. • Space Planning Activity for Dargavel Primary School • Preparation of communications plan to encourage community engagement (those directly impacted and those affected) with the forthcoming statutory consultation, to be launched in January.
Establish a new parent council liaison group to provide a single PC forum (at the request of PC chairs) to provide a	August 2023	Head of Education	Complete	Group has been established and has met following school summer break with positive

Dargavel Independent Review

Action Plan Response Monitoring – December 2023 update

Action	Target Completion	Responsible Officer	RAG Status	Update
streamlined opportunity for consistent engagement and communication with the whole PC community for all schools associated with Dargavel / Bishopton and PMHS and all feeder primaries.				feedback from Parent Council Chairs with engagement to date.
Establish regular opt-in digital community newsletter to facilitate regular communication updates direct to interested members of the community.	August 2023	Head of Marketing and Comms	Complete	Take up of opt-in digital channel newsletter is currently sitting at almost 400 and it is expected that this will continue to grow in the coming months as school delivery and design engagement commences more significantly.
Establish and track key indicators of community sentiment.	Ongoing	Head of Marketing and Comms	Ongoing	Assessment of the range of indicators and metrics suggest an ongoing interest in Dargavel, albeit across the wider community this is settling through formalised engagement routes with constructive and positive discussion, focusing increasingly on the range of solutions proposed for delivery by the Council. There remain some ongoing aspects of concern expressed from some community representatives, and this will be addressed and supported through ongoing engagement and future consultation arrangements.
Develop, deploy (at appropriate key points post formal consultation period) and evaluate a community pulse survey to assess and track community sentiment and view of ongoing handling and satisfaction with delivery of key interventions within the community.	Expected April/May 2024	Head of Marketing and comms	N/A at this stage	Will be delivered following the statutory consultation in 2024.

Dargavel Independent Review
Action Plan Response Monitoring – December 2023 update



To: Audit, Risk and Scrutiny Board

On: 22 January 2024

Report by: Director of Finance & Resources

Heading: Scottish Information Commissioner – Annual Report

1. Summary

- 1.1 The purpose of this Report is to advise the Board on the Scottish Information Commissioner's Annual Report 2022/23, FOI: Building a resilient future. The full report can be found here:-
[2022-23AnnualReportandAccounts.pdf \(itspublicknowledge.info\)](https://itspublicknowledge.info/2022-23AnnualReportandAccounts.pdf)
-

2. Recommendations

- 2.1 It is recommended that the Board note:
- the contents of the Annual Report.
 - the information on the numbers of FOI requests, reviews and appeals involving the Council in paragraph 3 of the report.
-

3. Background

- 3.1 The Freedom of Information (Scotland) Act 2002 ("FOISA") came into force on 1 January 2005 and created a general right to obtain information from any designated Scottish public authority subject to limited exemptions. Very few exemptions are absolute. Most exemptions are only available if the request fails the "public interest" test. In other words, information must still be released if it is of greater benefit to the public to release the information than withhold it.

3.2 The Annual Report for 2022/23 refers to the increase in requests following the pandemic and concludes that one key impact for his own office is the challenge of a high caseload carried forward from 2021-22 coinciding with a reduction in staff resource.

3.3 Key highlights include:

- OSIC received 527 appeals this year.
- 72% of appeals came from members of the public and 79 new appeals related to the EIRs, compared with 98 the previous year.
- 23% of appeals related to an authority's failure to respond.
- Only 0.6% of requests received by Scottish Public Authorities resulted in appeals to OSIC.
- OSIC carried out 229 interventions to support improvements in public authority FOI practice. While most were relatively straightforward 'non-compliance' notifications, they also carried out 21 interventions at level one and above – a 54% decrease on 2021-22 interventions.
- In 71% of decisions the Commissioner found wholly or partly in favour of the requester. An increase on 55% in 2021-22.

3.4 Since 2014 the Commissioner has maintained a 'Statistics Portal'. Public authorities, including Renfrewshire Council, upload data on FOI and EIR (Environmental Information Regulations) requests to this portal. Data uploaded includes the number of FOI requests and requirements for review received, which exemptions and exceptions have been applied and whether statutory timescales have been met. This information is collated and published quarterly.

- In total there have been 83,918 FOI requests in Scotland in 2022/23, an increase from 73,983 last year.
- Renfrewshire Council received 1,495 FOI requests in 2022/23, an increase of 19% from last year's total of 1258. This placed the Council 4th out of the 32 Local Authorities for number received, compared to 5th in 2021/22.
- The Council received 16 requirements for review in 2022/23 compared to 25 the previous financial year. There were no particular trends emerging from those reviews highlighting reasons for the larger number last year.
- Across Scotland, 2,421 of requests resulted in a requirement for review.

- 1% of requests received by the Council resulted in a requirement for review and 0.07% of requests resulted in appeal to the Commissioner.

- 3.5 There has been only one valid appeal involving the Council for 2022/23. A decision from the Commissioner on this appeal is still awaited. The outcome of both will be reported in next year's Board report. The decisions for the two valid appeals (from a single applicant) received in 2021/22 were issued by the Commissioner in March 2023. Both were decided in favour of the Council.
- 3.6 The low level of requirements for review compared to the high volume of requests processed by the Council, together with the small number of appeals to OSIC during 2022/23 indicates that the Council continues to manage its responsibilities well.

Implications of the Report

1. **Financial** – none
2. **HR & Organisational Development** – none
3. **Community Planning** – none
4. **Legal** – the Council continues to ensure compliance with its statutory responsibilities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations
5. **Property/Assets** – none
6. **Information Technology** – none
7. **Equality & Human Rights** – The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. Continued FOISA compliance ensures that people's information rights are respected.
8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** – none
11. **Privacy Impact** – none
12. **Cosla Policy Position** – none
13. **Climate Risk** - none

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To: Audit, Risk and Scrutiny Board

On: 22 January 2024

Report by: Director of Finance & Resources

Heading: Scottish Public Services Ombudsman (SPSO) Annual Report 2022/23

1 Summary

- 1.1 Rosemary Agnew, the Scottish Public Services Ombudsman (SPSO) has issued her 2022/23 annual report. The report is available on the SPSO's website at https://www.spsso.org.uk/sites/spsso/files/communications_material/annual_report/Annual%20Report%20and%20Financial%20Statements%202022-23.pdf
- 1.2 The SPSO is the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments and most Scottish authorities.
- 1.3 The report advised that Public Service cases received in 2022/23 decreased in comparison to 2021/22.
- 1.4 It was noted that the health sector was the sector about which the SPSO received most complaints, with local authority cases receiving the second highest number. Nearly two-thirds of cases received were about health and local authorities.
- 1.5 The statutory functions of the Ombudsman, together with the complaints process and a look forward to the coming year are set out within the SPSO's report.
-

2 Recommendations

- 2.1 That the SPSO's 2022/23 Annual Report be noted; and
- 2.2 That it be noted of the 35 complaints against Renfrewshire Council determined by the SPSO in 2022/23 none went to public investigation.
-

3 **Background**

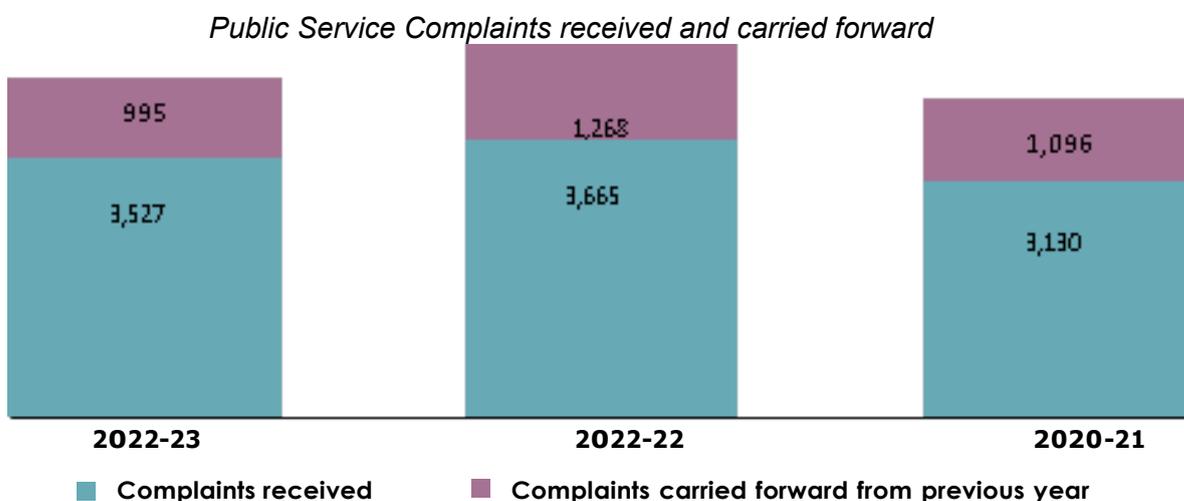
3.1 **SPSO Role and Function**

The SPSO has a wide remit which covers a variety of functions and services. There are four distinct statutory functions:

- the final stage for complaints about most devolved public services in Scotland;
- powers and responsibilities to publish complaints handling procedures and monitoring and supporting best practice in complaints handling;
- independent review service for the Scottish Welfare Fund with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications; and
- Independent National Whistleblowing Officer for the NHS in Scotland; the final stage for complaints about how the NHS considers whistleblowing concerns and the treatment of individuals concerned.

4 **Complaints Overview**

4.1 The report advised that case numbers received in 2022/23 reduced slightly in comparison to the previous year. The slight fall in cases received this year meant that complaint numbers were at pre-pandemic levels.



4.2 The report noted that nationally, in 2022/23 the SPSO received 3,527 complaints and enquiries (4,522 in total when including complaints carried over from last year) compared with 3,665 complaints received in 2021/22 and 3,1830 in 2020/21.

4.3 Of the 3,527 complaints handled, 192 went to full investigation compared to 284 in 2021/22. A breakdown of Public Service complaints which were closed at assessment and after investigation is outlined in table below:

Type	2022-23	2021-22	% change	2020-21
Total cases closed after investigation	192	284	-32.4%	420
Upheld in full	77	102	-24.5%	145
Upheld in part	42	71	-40.8%	101
Not upheld	61	100	-39%	157
Not duly made, or withdrawn	6	7	-14.3%	12
Outcome unachievable	0	1	-100%	0
Resolved	6	3	100%	5
Total number of cases closed (at assessment and after investigation)	3,829	3,492	9.7%	3,176

4.4 Cases closed overall rose by a 9.7% following on from a 10% rise in 2021/22. This was despite the challenges faced and it also reflected the impact of additional temporary staffing resources and changes to their processes to improve efficiency.

5 Public Service Complaints Received

5.1 The table below shows the breakdown of public service complaints by sector and remains generally consistent with previous years. Once again, health is the highest subject of complaint followed by local authorities. Nearly two-thirds of cases received were about health and local authorities.

Cases determined by sector

Authority Sector	Complaint	Enquiry	Total
Colleges	24	0	24
Health	1,322	5	1,327
Housing Associations	355	2	357
Joint Health and Social Care	171	0	171
Local Authority	1,151	2	1,153
Other	54	1,034	1,088
Prisons	273	1	274
Scottish Government & Devolved Administration	192	0	192
Universities	209	1	210
Water	78	1	79
Total	3,829	1,046	4,875

5.2 Of the investigations completed in Scotland as a whole, two cases were reported in full as public investigation reports (down from seven the previous year). These are cases where they decide to publish the investigation in full because there is evidence of significant personal injustice or hardship, systemic failure, significant complaints handling failures, or it is a test/precedent case. Neither of these cases involved Renfrewshire Council.

5.3 Cases that are not published in full as public investigation reports are usually published as decision summaries. Public reports and decision summaries can be found in the 'Our findings' section of their website.

6 Premature Public Service Complaints Rate

6.1 A premature complaint is one that has not been considered by the public body first. There was a significant reduction in premature public service complaints this year. The actual number of premature complaints received decreased by 41% (460 in 2022/23 compared to 783 in 2021/22). This reflected the work that had been done during the year to develop their online complaint form as it provided complainants with greater assistance in assessing when their complaint was ready to be sent.

7 Complaints in relation to Renfrewshire Council 2022/23

7.1 No complaint details for specific organisations are included in the report. However, information received separately from the SPSO, indicated that the number of complaints received by the SPSO relative to Renfrewshire was 35 compared with 43 in 2021/22 and 31 in 2020/21. Of the 35 cases 22 were completed at the early resolution stage and 13 reached the advice stage

7.2 Complaints Determined in relation to Renfrewshire Council 2021/22

Stage	Outcome Group	Renfrewshire Council
Advice	A&G - Complaint submissions - mature	2
	A&G - Complaint submissions - premature	5
	A&G - Enquiries	6
	Organisation not in jurisdiction	0
	Unable to proceed	0
	Total	13
Early Resolution	Cause and impact test not met (s 5 (3))	0
	Discretion – Insufficient benefit would be achieved by investigation	4
	Discretion – alternative action proposed	3
	Discretion – Alternative route used or available	0
	Discretion - Good complaint handling	7
	Discretion – referred back	3
	Discretion - Resolved - both parties satisfied with proposed outcome	1
	Member of the public test not met (s 5 (6))	0
	Organisation not in jurisdiction	0
	Premature	0
	Right of appeal to court/tribunal/Scottish ministers (s 7 (8))	0
	Subject matter not in jurisdiction	0
	Time limit (s 10)	1
	Unable to proceed	3
Total	22	
Investigation	Fully upheld	0
	Not duly made or withdrawn	0
	Not upheld	0
	Resolved	0
	Some upheld	0
	Total	0
Total	35	

- 7.3 Of the 35 cases in 2022/23 relative to Renfrewshire, the main subjects of these are as follows, with 2021/22 figures in brackets. The subjects are the SPSO's and may not relate directly to the way Renfrewshire Council services are organised: Education 5 (4); Environmental Health & Cleansing 6 (6); Finance 3 (4); Housing 7 (9); Legal & Admin 2 (2); Personnel 0 (0); Planning 3 (3); Roads & Transport 0 (1); Social Work 7 (4); Subject Unknown/Out of Jurisdiction 2 (1); and Welfare Fund – Community Care Grants 0 (0).
- 7.4 The SPSO will not generally consider a complaint unless the complainer has gone through the Council's complaints procedure fully. In 2022/23 the Council received 9,155 complaints, compared with 9,193 in 2021/22. The annual report on the Council's complaints was considered at the meeting of this Board held on 22 August 2023.

8 Looking Forward

- 8.1 The SPSO recognise they still have much to do and will be focusing on
- continuing to reduce the time taken to allocate and investigate complaints;
 - building on their stakeholder engagement to drive up complaint handling standards and improve the complaint journey for complainants;
 - developing people-centered and rights-based complaint handling, that focuses on outcomes and resolution;
 - developing to equip themselves with skills to both deliver and develop their service; and
 - improving accessibility to justice through complaints, especially for people who do not currently have access to their services.

Implications of the Report

Financial – None

HR & Organisational Development – None

Community Planning – None

Legal – None

Property/Assets – None

Information Technology – None

Equality & Human Rights – The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

Health & Safety – None

Procurement – None

Risk - None.

Privacy Impact – None

COSLA Implications – None

Climate Risk - None

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To: Audit, Risk and Scrutiny Board

On: 22 January 2024

Report by: Director of Finance & Resources

Heading: Commissioner for Ethical Standards in Public Life in Scotland – Annual Report 2022/23

1 Summary

- 1.1 The Commissioner for Ethical Standards in Public Life in Scotland has issued his 2022/23 annual report. The report is available on the Commissioner's website at https://www.ethicalstandards.org.uk/sites/default/files/publications/ESC%20Annual%20Report%202022-2023_1.pdf
- 1.2 The report provided details of investigation of complaints about the conduct of councillors, members of devolved public bodies and MSPs and scrutiny of Scotland's Ministerial public appointments process. Where there has been contravention of the relevant Code, the Commissioner reports this, in the case of councillors and members of public bodies, to the Standards Commission for Scotland and in the case of MSPs and in relation to lobbying complaints, to the Scottish Parliament.
- 1.2 The report advises of revised governance arrangements, reinstated transparency reporting and a new rolling biennial business covering all office functions.
-

2 Recommendations

- 2.1 That the 2022/23 Annual Report by the Commissioner for Ethical Standards in Public Life in Scotland be noted; and
- 2.2 That the actions taken in Renfrewshire in relation to the Code of Conduct development as detailed in paragraph 11.2 of the report be noted.
-

3 Background

3.1 The annual report indicated that from the start of the financial year until the end of February 2023, Ian Bruce continued to fulfil the role of Acting Ethical Standards Commissioner for Scotland, following his temporary appointment by the Scottish Parliamentary Corporate Body (SPCB) on 20 April 2021. The Commissioner was on an extended period of leave from early March 2021 and resigned with effect from 30 April 2022. Following a recommendation from the SPCB, Ian Bruce was appointed by the Scottish Parliament as Commissioner for a six-year period from 1 March 2023.

3.2 Section 22 Report

The last Ethical Standards Commission (ESC) annual report made reference to a Section 22 Report laid by the Auditor General for Scotland into the work of their office. Audit Scotland laid a further section 22 report in January 2023 which followed up on their office's progress in the usual way. It reflected positively on the work done to rebuild the office and the services they provide, and to restore confidence in the ethical standards framework. However, it also made it clear that more work had to be done to embed the good practices adopted since the prior section 22 report was laid by the Auditor General.

3.3 Through the last financial year, the public appointments section faced significant challenges with staff resourcing which led to a large backlog. However, all appointments have now been made permanent and has provided the service with much needed capacity and support.

4 Complaint Volumes In 2022/23

4.1 Nationally, during 2022/23 the Commissioner received a total of 156 complaints, compared with 330 in 2021/22 and 238 in 2020/21.

4.2 The report advised that at the start of 2022/23, there were a large number of complaints and cases already open as a result of the backlog of cases that had built up in the previous year. Over the course of the year, the Standards Team completed a total of 127 cases, an increase of 44% from the previous year.

Complaint volumes during 2022/23 and previous two years

	2022/23	2021/22	2020/21
Already open at 1 April (beginning of financial year)	150 ¹	24	63
Received	156	330	238
Active during year	306	354	301
Completed	218	208	277
Cases remaining open at 31 March, (end of financial year)	88	146	24

1. There are minor differences in the carry forward totals from 2021/22 to 2022/23. This is due to a small number of cases either being re-opened or additional complaints being added to existing cases during the 2022/23 financial year.

Case Volumes during 2022/23 and previous years

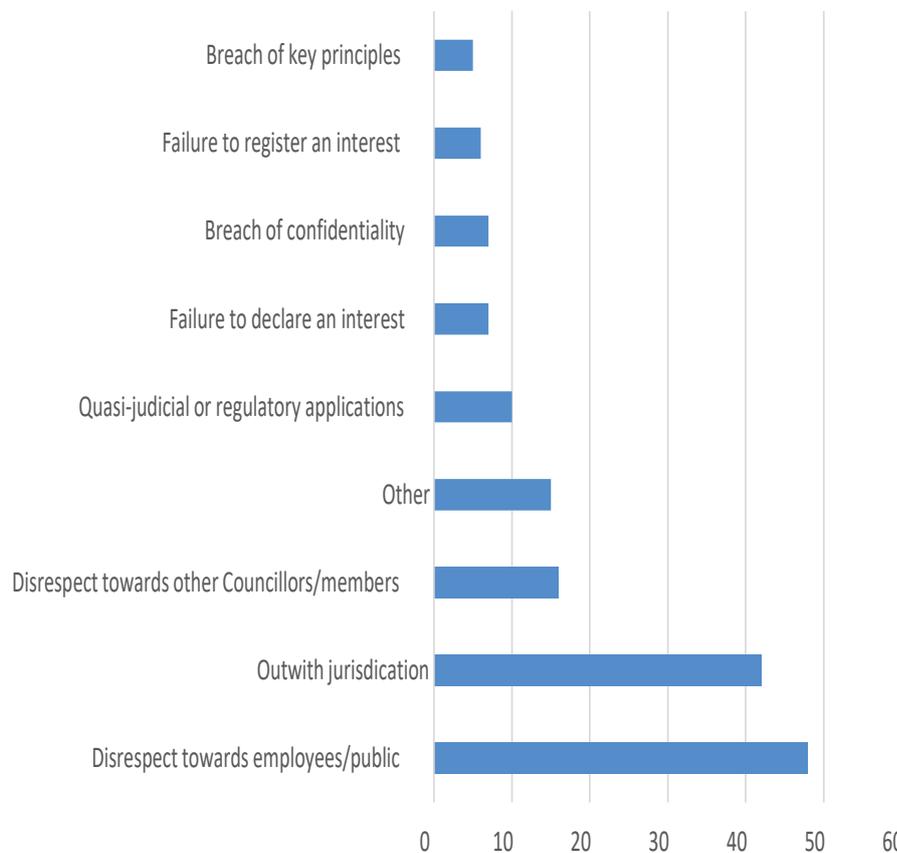
	2022/23	2021/22	2020/21
Already open at 1 April (beginning of financial year)	86 ¹	8	35
Received	109	164	130
Active during year	195	172	165
Completed	127	88	157
Cases remaining open at 31 March, (end of financial year)	68	84	8

1. There are minor differences in the carry forward totals from 2021/22 to 2022/23. This is due to a small number of cases either being re-opened or additional complaints being added to existing cases during the 2022/23 financial year.

5 Categories of Complaints Received

5.1 The categories of complaints received, and the number of complaints received for 2022/23 are indicated below with disrespect towards employees and the public being the most common type of complaint received. This remains unchanged from previous years. Taking together cases in relation to disrespect towards both councillors/members, employees and the public accounted for 40% of the total complaints received during 2022/23.

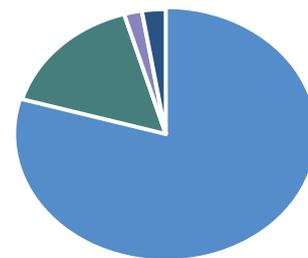
Complaints Received During 2022/23 (Total 156)



NOTE: Outwith jurisdiction complaints are complaints which are about conduct which, following assessment, does not fall within the remit of the Code. They are distinct from complaints which we cannot accept as they are outwith the jurisdiction of the Commissioner's office, such as a complaint about a Councillor in England

6 Origin of Complaints

- 6.1 The pie chart provides details of who made complaints to the Commission in 2022/23. Complaints from members of the public accounted for almost 80% of the total number of complaints received during 2022/23 and this figure is similar to previous years.



■ Member of the public ■ Councillor/member ■ Council officer ■ Other

7 Complaints About Conduct of Councillors

- 7.1 The Commission saw a reduction in the number of new complaints received during the year and this allowed them to dedicate more staff time to reducing their backlog. The report advised that the backlog had significantly reduced such that it was now taking up to four months, instead of the previous wait of 11 months, for an initial complaint to be assessed. In the interests of transparency, their website now has a banner and a supporting page which sets out waiting times and investigation times for all complaints.
- 7.2 The report noted that when several complaints were received about the same or closely related issues, they combined these complaints together and assessed and/or investigated them as a single case.
- 7.3 The Standards Commission for Scotland (SCS) Direction of March 2021 requires the Commission to investigate all complaints received about councillors or members, except in fairly narrow circumstances. In essence, any conduct which has happened in the 12 months prior to the complaint being made and where, on the face of it, a breach of the applicable code has taken place must be investigated. This Direction was renewed for a five-month period in March 2023. The SCS agreed not to renew the Direction beyond August 2023 following agreement from the Ethical Standards Commissioner that the Commissioner would include wording from it on the face of the ESC Investigations Manual. The Commission continues to investigate all complaints that could, on their face, represent a breach of the Code. This has increased the number of complaints being investigated since the start of 2021/22.

8 Outcome of Complaints Nationally

- 8.1 Nationally a total of 45 cases (79 complaints) progressed to full investigation and were reported on and finalised during the year, with 17 being breach reports (regarding 9 cases) which were heard by the Standards Commission, and 62 being reported on as non-breach (regarding 36 cases).

Outcome from complaints completed in 2022/23 and previous two years

	2022/23		2021/22		2020/21	
Initial Assessment	121	56%	125	60%	227	82%
Full Investigation	79	36%	75	36%	49	18%
<i>Breach</i>	17	8%	6	3%	39	14%
<i>No Breach</i>	62	28%	69	33%	10	4%
Withdrawn	18	8%	8	4%	1	0%
Total completed	218		208		277	

Outcome from cases completed in 2022/23 and previous two years

	2022/23		2021/22		2020/21	
Initial Assessment	69	54%	56	64%	132	84%
Full Investigation	45	36%	26	29%	24	15%
<i>Breach</i>	9	7%	5	6%	17	11%
<i>No Breach</i>	36	28%	21	23%	7	4%
Withdrawn	13	10%	6	7%	1	1%
Total completed	127		88		157	

9 Outcome of Complaints relating to Renfrewshire Council

- 9.1 Information has been received separately from the Commissioner that, during the period covered by the report, five complaints were received regarding Renfrewshire Council in 2022/2023. Two of these related to disrespect towards the public/council employees, one related to disrespect towards other councillors and two other complaints related to general disrespect and a conflict of interest.
- 9.2 Two of the complaints were dismissed at the admissibility stage and did not progress to investigation. Two of the complaints progressed to investigation where the Commissioner found the Councillor had not breached the Code of Conduct. The fifth is still under an open investigation.

10 Hearings

- 10.1 Under current Directions, the Commissioner reports the outcome of all investigations to the Standards Commission for Scotland (SCS). They may hold a hearing, direct the Commissioner to conduct further investigation or do neither. If the SCS concludes at a hearing that a breach of the Code has occurred, they must impose a sanction.
- 10.2 Nationally, 36 reports where the Commissioner found there was no breach were submitted to the SCS. There were a further 9 reports which were referred to the SCS where the Commissioner found that a breach had occurred. Renfrewshire Council were not involved in any reports referred to SCS.

11 **Code of Conduct**

- 11.1 On 16 August 2023, as part of the programme of events and development opportunities for Councillors, the Head of Corporate Governance provided an annual update to Members on the Code of Conduct/Standards Commission.
- 11.2 The Council's Head of Corporate Governance is available for members should they wish to seek advice on the Code of Conduct generally and specifically in relation to the registration and declaration of interests.

12 **Public Appointments**

- 12.1 The Commission regulates how Scottish Ministers make appointments to the boards of public bodies that are within their remit.
- 12.2 The ESC report recognised that further improvements could be made in order to achieve effective boards that were reflective of the communities that they served. The revised Code of Practice for Ministerial Appointments came into effect October 2022 and was making a difference to practices.
- 12.3 Training was now obligatory for selection panel chairs and for independent panel members and the ESC were happy to assist the Scottish Government in the design of that training programme and it had been received well. The respective roles and responsibilities of everyone engaged in the appointments process was clearer, with considerably more responsibility vested in the panel chair, who fulfils that role on behalf of the appointing minister. There were signs that the new process was reducing bureaucracy, which was one of the intentions, but also that panel chairs were taking considerably more ownership of the appointment process. They were required to report on reasons for the success or failure of the appointment rounds for which they have responsibility.

13 **Future Plans**

- 13.1 Having reviewed and completely revised their governance arrangements during the course of the prior year, the ESC are now in a period of relative stability and are operating to a revised strategic plan for 2021-24 and a new rolling biennial business plan covering all office functions.
- 13.2 The business plan continues to demonstrate progress against each of the external and internal auditors' recommendations and they have drafted a new strategic plan to run from 2024-28.

Implications of the Report

- 1 **Financial** - None
- 2 **HR & Organisational Development** - None

- 3 **Community Planning** – None
- 4 **Legal** - None
- 5 **Property/Assets** – None
- 6 **Information Technology** - None
- 7 **Equality & Human Rights** – The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
- 8 **Health & Safety** – None
- 9 **Procurement** - None
- 10 **Risk** – None.
- 11 **Privacy Impact** – None
- 12 **COSLA Implications** – None
- 13 **Climate Risk** - None

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To: Audit, Risk and Scrutiny Board

On: 22 January 2024

Report by: Lead Officer

Heading: Neighbour Disputes

1. Summary

- 1.1 At the meeting on 22nd August 2022, members of the Audit, Risk and Scrutiny Board agreed an annual programme of activity for the Board for 2022/23. This included an investigation into neighbour disputes in Renfrewshire.
 - 1.2 Following the Board in March 2023 there has been a change in Lead Officer. This has brought about a change in timescales due to handover. An updated timescale is included in Section 4 within the report for approval.
 - 1.3 This report considers the current arrangements and approaches the Council and other stakeholders have for responding to neighbour disputes and reviews the current disposals/actions that are available to the Council and others to resolve neighbour disputes.
-

2. Recommendations

The Board is asked to:

- note the progress contained within the report; and
 - approve the updated timescale as outlined in Section 4 of this report.
-

3. Background

- 3.1 At the Audit, Risk and Scrutiny Board in August 2022 it was agreed that the review of Neighbour Disputes be looked at in the widest sense and should also include anti-social behaviour. It was agreed that the purpose of the investigation into neighbour disputes would be fourfold:
 1. Try to establish the scale and nature of neighbour disputes in Renfrewshire,

2. Set out the current arrangements and approach the Council and other stakeholders have for responding to neighbour disputes,
3. Review the current disposals/actions that are available to the Council and others to resolve neighbour disputes, and
4. Identify any other approaches, policy changes or mitigating actions that could be available to the Council within existing resources.

3.2 Since the previous report on Neighbour Disputes was brought to Board in March 2023, there has been a change in Lead Officer due to the previous Lead Officer taking up a new post outwith the Council.

3.3 The previous Lead Officer had completed point 1 of the investigation (the scale and nature of neighbour disputes in Renfrewshire) and it had been agreed to move to the next stage of the review.

3.4 This change in Lead Officer has impacted on the original timescales of the investigation and an updated timetable is included in Section 4 for consideration.

4. Updated Timetable for Neighbour Disputes Investigation

4.1 The scoping of the investigation was agreed at Board in January 2023, with a paper on the scale and nature of neighbour disputes being brought in March 2023. With the change in Lead Officer for this investigation, an updated timetable is proposed below:

Date of Board Meeting	Stage of Investigation
23 rd January 2023	Scoping paper to initiate investigation - Complete
13 th March 2023	Continuation of investigation - Complete
22 nd January 2024 - Revised	Continuation of investigation – Point 2
18 th March 2024 - Revised	Continuation of investigation – Point 3, including input from those with Lived Experience and regulatory disposals
20 th May 2024 - Revised	Draft Final Report to Board
27 th June 2024 - Revised	Final Report to Full Council

5. Progress Update

5.1 Following the change in Lead Officer, and time taken to familiarise with the investigation and progress to date, the review has been progressing well. Research has been undertaken with a particular focus on point 2 of the original aims to 'set out the current arrangements and approach the Council and other stakeholders have for responding to neighbour disputes'. This work also ties in with point 3, to review the current disposals/actions that are available to the Council and others to resolve neighbour disputes.

- 5.2 This report provides a summary and highlights findings from the research into the tools that different organisations use in the first instance, with the disposals and actions (including legislation and regulatory powers) being dealt with in a future paper in response to point 3. Research to date has involved communications with a number of other Scottish Local Authorities; Local Housing Associations; Police Scotland; and key internal stakeholders.
- 5.3 Contact was made via email to the other 31 Scottish Local Authorities and a range of local Housing Associations, with questions on 5 areas of neighbour disputes and anti-social behaviour. This was made up of direct emails (where names of relevant Officers were known in other local authorities) or contacting via generic email addresses on the Local Authority/Housing Association website. From this initial contact, 16 local authorities responded (52%) and 3 local housing associations have also made contact.
- 5.4 In some cases, Officers responded to the questions via email. But a number of local authorities and housing associations also agreed to set up a phone interview in order to talk through the various approaches taken across a range of issues. All internal Officers agreed to meet in person, or held interviews over Teams. These interviews have also now been completed, along with a phone interview with Police Scotland.

General Neighbour Disputes and Anti-Social Behaviour

- 5.5 There are differences across the 32 local authorities in how neighbour disputes and antisocial behaviour are dealt with. Some local authorities will support and respond to all tenures; others would support and respond to Council Housing tenants only (where they have Housing stock) and signpost other tenures to alternative organisations; and others support and respond to all social housing tenants only. Renfrewshire Council support and respond to all tenures.
- 5.6 For low level neighbour disputes where a private rented property is causing the issue, a number of local authorities would refer the complainer to the landlord in the first instance due to responsibilities under their landlord registration licence. This was often the case with Registered Social Landlord tenants also, with complainers being encouraged to contact the RSL in the first instance to try and resolve, with the local authorities stepping in if required.
- 5.7 Processes across all local authorities generally differ slightly dependent on tenure due to the range of levers available, and the issue being reported. Internally within local authorities it is often different teams that deal with different aspects of neighbour dispute and antisocial behaviour dependent on the legislation it falls under and/or potential actions – between Housing, Community Safety and/or Environmental Health teams. This is true within Renfrewshire Council, with close working between departments on cases.
- 5.8 It was noted by all organisations that reports can come in via a variety of sources – including via Housing Officers, the Community Safety Team, Environmental Health, Elected Members, Police Scotland, online reporting forms and phone calls to generic Customer Service lines. The importance of ensuring that information for members of the public on who to contact is easily

accessible to all was highlighted, to ensure the appropriate response as quickly as possible to resolve issues. The importance of being clear on when local authorities can intervene as well as what the limitations are (and why) was also raised by a number of local authorities in order to manage expectations and ensure cases are signposted to the best source of assistance as quickly as possible and minimise being passed between organisations/departments.

- 5.9 The most common sources of neighbour disputes were similar across all local authorities and housing associations – the most common relating to noise and waste (misuse of bins, including not putting out for collection, using bins belonging to others and placement of bins when out for collection) as well as parking and issues relating to communal spaces. In all cases, when a report comes in it would be investigated by relevant Officers who would contact the complainer, including home visits where appropriate, and would then identify the relevant course of action and next steps.
- 5.10 The majority of local authorities had seen changes in levels of disputes as well as reasons for disputes. This was generally found to be initially due to the pandemic and lockdown, with people being at home more. This also links with a clash of lifestyles, which was reported as a major factor in neighbour disputes and noise complaints. This includes situations such as different working patterns, where one party may leave early for work, or return late at night. Many local authorities also acknowledged mental health being impacted by the pandemic and further exacerbated by the cost of living crisis. They are also often seeing a rise in complex cases particularly in relation to mental health and addiction. Cross-agency working is pivotal in ensuring access to services and support, and prevent people from falling through the gaps in services.
- 5.11 A resource that was highlighted was the Anti-Social Behaviour Officers' Forum (ASBOF). The Forum was found to be an important source of information with knowledge sharing on best practice and effective responses between local authorities as well as opportunities to raise any new issues or patterns that are arising to see how others have approached these.
- 5.12 It was acknowledged that early intervention is key to resolve issues and prevent potential future escalation. This includes a need for cases to be reported as early as possible and communication to members of the public around how to report issues, with the pathways and options available to different tenures believed to be critical.

Mediation and Conflict Resolution Services

- 5.13 Mediation is a recognised early intervention tool to help neighbours to resolve their difficulties. Figures provided via the Antisocial Behaviour Officers' Forum (ASBOF) indicated around 90% success rate for sustainable outcomes – i.e. those who engaged with mediation services did not have to contact the local authorities again. In most cases, including in Renfrewshire, specially trained mediators are used who would not have taken part in any previous part of the process (e.g. investigation) and so are completely impartial.

- 5.14 Mediation requires both parties to be willing to take part and find a solution but can take 2 different forms: joint mediation and shuttle mediation. Renfrewshire Council uses both forms:
- **Joint Mediation:** the Mediation Officer will meet both parties in a neutral venue, often a community space to discuss the issues together and hopefully reach a resolution.
 - **Shuttle Mediation:** an alternative option whereby the Mediation Officer goes between the two parties, exchanging information without the need to meet in the same space and communicates on behalf of each party to help to resolve the situation.
- 5.15 There are a range of reasons why one or both parties are not willing to enter into mediation, with the most common reason being that the situation had escalated too far by the time it was reported. But in instances where mediation was used, local authorities overwhelmingly found it to be a positive and vital tool to resolving issues and preventing escalation. Resolutions ranged from neighbours just agreeing not to speak to each other/stay out of each other's road to one party offering the other party a lift home at the end of the session.
- 5.16 Again, there were differences in provision of service – some Local Authorities (including Renfrewshire Council) provide mediation free of charge to all tenures. Others would charge for non-Council Housing tenants, including charging Registered Social Landlords who refer to the service. The remainder either provided no service or would signpost all residents to mediation services offered by SACRO (a Scottish community justice organisation) at their own cost.
- 5.17 All organisations who responded had access to interpretation services where language may be a barrier to communication, but there was a gap with regards to assisting deaf and hearing impaired people (BSL interpreters). The same is true of communicating information to those who may want to report issues, including deaf and hearing impaired people and blind and visually impaired people.
- 5.18 Being a victim of neighbour nuisance or anti-social behaviour can have a huge impact on people's lives and affect mental health and wellbeing. It can also contribute to people feeling unsafe and/or anxious in their home and it is key to ensure that support is available for those suffering from unreasonable behaviour. The need to support those who may be perpetrating anti-social to change behaviour was also raised. And the reasons behind the behaviour can be complex – the behaviour can be driven by trauma as well as triggering a trauma response in those that it is affecting.
- 5.19 Renfrewshire Council have recognised the importance of trauma informed and responsive services, and training is being rolled out across Housing and Community teams due to the front-facing nature of their roles. Other local authorities also provide trauma informed training to assist officers in carrying out their duties, whilst some of those who didn't currently were interested in the approach or are considering it.

5.20 Some local authorities use voluntary tools such as Acceptable Behaviour Contracts (or Acceptable Behaviour Agreements) in a range of circumstances to encourage and support perpetrators to take responsibility and change their behaviour. Unlike Anti-Social Behaviour Orders (ASBOs), Acceptable Behaviour Contracts are not legally binding but outline a range of acceptable and unacceptable behaviours to allow individuals to recognise and take responsibility for their behaviours. These Acceptable Behaviour Contracts are not designed to replace Anti-Social Behaviour Orders but are seen as an early intervention tool to prevent the need for legal action. If the behaviour remains persistent, then further legal action will also be considered, but it is an approach designed to be used for anyone who is willing to work together with agencies to change their behaviour.

Noise Monitoring

5.21 Noise nuisance was commonly reported as one of the top complaints with regards to neighbour disputes and/or anti-social behaviour across local authorities and housing associations.

5.22 Noise nuisance is identified where something is unreasonable to the average person, taking into account factors such as locality, impact, time, frequency, duration, convention and avoidability. It was acknowledged that people who are causing noise disturbance may not always be aware. Issues can be exacerbated by poor sound-proofing and circumstances such as houses having no curtains, poor quality or no underlay and in some cases no carpets. If the person feels safe to do so, generally they are encouraged to approach their neighbour in the first instance in case they are unaware they are causing an issue.

5.23 When the noise issue is persistent over time, residents are encouraged to keep a diary of dates and times of noise disturbance. Local authorities generally then use the MATRON (or similar) noise recording system in order to gain corroboration for difficult to prove noise nuisance cases, e.g. instances where there aren't any witnesses/corroboration due to time of night or location of properties. In these cases, the system is installed in the house of the complainer in order to monitor noise levels over a period of time and this is then analysed and used to take further action against perpetrators.

5.24 Before the noise recording system is installed in a property, surrounding properties are all notified that at some point over the next few weeks there will be a recording system installed and it was found that this notification alone can often stop problems in blocks of flats.

5.25 In addition to formal noise recording systems, a number of local authorities use a 'noise app'. Renfrewshire Council are exploring this option also. This enables a resident to submit noise complaints via their mobile device, so that they can be submitted at the time it is happening without the need for a formal recording system to be installed in the property. Local authorities reported the app as being useful in a number of ways:

- access to formal MATRON systems can lead to delays in assessing issues if the system is being used in another property
- it enables Officers to identify areas of need for MATRON system to be installed

- residents can submit any time of day or night as and when the noise is happening, without needing to wait for a Warden/Officer to attend for corroboration.

5.26 Local authorities who use the noise app also reported that it was not found to increase Officer workload (i.e. it was not leading to increased levels of noise complaints being received) but they believed it was leading to higher quality of reporting from residents. It was acknowledged, however, that not all residents would have access to an app and that the diary sheets were important to retain. Formal recording systems are also required in the case of any formal court action as the noise app would not be submissible in Court.

Multi-Agency Meetings

5.27 Partnership working is key to tackling anti-social behaviour and the importance of cross-agency collaboration in understanding and responding to incidents of anti-social behaviour was highlighted by all interviewees – across local authorities, housing associations and Police Scotland.

5.28 All local authorities who responded hold multi-agency meetings – with key organisations including Police Scotland, Scottish Fire and Rescue Service, Housing Associations and other local partners such as those involved in mental health support services and addition services. The aim of these meetings is to ensure early intervention and a coordinated partnership approach to ensure solutions are delivered effectively and efficiently and with knowledge sharing and input across organisations.

5.29 Across local authorities, multi-agency meetings were generally scheduled on a set frequency to discuss general anti-social problems and decide actions. In instances where there was a specific case requiring a cross-organisation approach, a special meeting would be held to focus more on outcomes. The frequency of these scheduled multi-agency meetings varies across local authorities. Renfrewshire's model involves daily tasking meetings, whereas some local authorities met with partner agencies every other day, or every 3 days.

5.30 Renfrewshire has established a Community Safety Partnership Hub consisting of statutory, voluntary and community organisations based on the MARAC model (multi-agency risk assessment conference). This approach has been recognised as best practice and includes the CCTV Operations. There is no single pathway for a referral into the Hub - any of the services can bring cases/information to the table and have signed up to the information sharing protocol.

5.31 In addition to the noise monitoring and mediation discussed earlier, the range of resources and good working practices utilised by the Renfrewshire Community Partnership include:

- multi-agency daily tasking meetings
- multi-agency 'hot spot' and escalation through monthly tasking (tackling specific cases about individuals or by location)
- Youth Officers – officers with a particular focus on early intervention and joint working with schools and youth organisations

- A Police Scotland Local Authority Liaison Officer (LALO) at multi-agency meetings to coordinate multi-agency responses to community problems
- Senior Community Support Officers
- Public Space CCTV operators
- Victim support for persons affected by anti-social behaviour

5.32 This approach combines this broad range of services to support communities across Renfrewshire, through targeting anti-social behaviour, its causes and effects and ensures a robust approach to tackling public protection issues affecting residents in Renfrewshire.

6. Next Steps

- 6.1 The next stage of the review will focus on the current disposals/actions that are available to the Council and others to resolve neighbour disputes (including legislation and regulatory powers).
- 6.2 To ensure the broadest review of the process, this will include speaking to key community organisations, such as Citizens Advice Bureau and Victim Support, as well as speaking to residents with lived experience of neighbour disputes and anti-social behaviour. This will help to identify any potential gaps in service provision or areas in the process where improvements could be made from a service user point of view through embedding learning from those who have been through the process.

Implications of the Report

1. **Financial** - None directly arising from this report.
2. **HR & Organisational Development** - None directly arising from this report.
3. **Community/Council Planning** - None directly arising from this report.
4. **Legal** - None directly arising from this report.
5. **Property/Assets** – No current implications.
6. **Information Technology** – No current implications.
7. **Equality and Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because relates to carrying out an investigation on behalf of the Board. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health and Safety** - No current implications.
9. **Procurement** - No current implications.
10. **Risk** - No current implications.
11. **Privacy Impact** - No current implications.
12. **COSLA Policy Position** - No current implications.
13. **Climate Risk** - No current implications.

List of Background Papers:

Audit, Risk and Scrutiny Board Annual Programme
Neighbour Disputes Paper - Audit, Risk and Scrutiny Board, January 2023
Neighbour Disputes Paper - Audit, Risk and Scrutiny Board, March 2023

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