CROYDON

Final Internal Audit Report

Member-Officer Protocol: Staff Training
September 2023

Distribution: Corporate Director of Resources and S151 Officer

Director of Legal Services (Monitoring Officer)

Interim Head of Democratic Services

Senior Democratic Services & Governance

Director of Finance (Deputy S151 Officer)

Assurance Level	Issues Identified	
Substantial Assurance	**Priority 1**	**0**
	Priority 2	**2**
	Priority 3	**2**

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Executive Summary

1. Introduction

1.1 Mutual trust and respect between members (councillors) and officers (staff) is at the heart of a local authorities good governance. These are essential if the partnership necessary for the effective running of a local authority is to succeed. To achieve this, it is essential that both Members and staff feel free to speak to one another openly and honestly and that there is a shared understanding of respective roles and expectations.

1.2 London Borough of Croydon (the 'Council') has a Protocol for staff-member relations which clarifies the roles and relationships of members and staff and sets out how they will work together. It also includes a process to follow on rare occasions where things might go wrong. The protocol seeks to set a framework that assists the working relationships between members and employees.

1.3 From time-to-time training programmes are arranged for members and staff. These involve inductions, presentations and discussions on particular topics as well as trainings on specific topics such as the Code of Conduct. I t is important that members and staff take advantage of these training opportunities and attend those relevant to their needs. Effective member development is essential to ensure that members update their knowledge and learn new skills to be able to carry out their duties.

1.4 The Democratic Services Team of the Council maintains responsibility for the members' training programme whereas the Learning and Development (L&D) Team maintains responsibility for staff training.

1.5 Member training budgets are overseen by the cross-party Member Learning and Development Committee which meets three times a year. The budget for non-staff training was £21,000 for 2022-23.

1.6 While our review and testing were performed remotely, we have been able to obtain all relevant documents required to complete the review.

1.7 This audit is being undertaken as part of the agreed Internal Audit Plan for 2022/23. The objectives, approach and scope are contained in the Audit Terms of Reference at Appendix 1.

2. Key Issues

Priority 2 Issues
There was no clear programme of training in place for staff in relation to the Member Officer Protocol. **(Issue 1)**
Not all members had completed the mandatory training relating to the Member Officer Protocol. **(Issue 2)**

Priority 3 recommendations are included under item 4 below.

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3. Actions and Key Findings/Rationale

Audit Area 3: Training Programmes

Priority	Action Proposed by Management	Detailed Finding/Rationale – Issue 1
2	Democratic Services has met with HR Training to discuss options. Democratic Service will develop content for an e-training module to convey salient and key learning points relating to the Officer / Member Relationship Protocol in the Constitution by Autum 2023. The module will form part of the mandatory induction training and also be rolled out to all existing officers.	**Expected Control** In order to help promote a positive working culture for the public benefit, it is important that staff and members receive training on the Member-Officer Protocol, to ensure that they are empowered to speak up and challenge inappropriate behaviour without fear. **Finding/Issue** Internal Audit was informed by the L&D Consultant that there was no programme for staff training with regards to the Member-Officer Protocol. The L&D team has undergone restructuring, with a new Interim Manager being in place since January 2023. It is intended that the Team will be redesigning the induction training for officers and Internal Audit was informed that Member Officer Protocol training will be included as part of this. The Interim L&D Manager advised that an e-learning was in place for the Code of Conduct; however, its contents or completion rates were not shared with us for the purpose of this audit.

Responsible Officer	Deadline	
Interim Head of Democratic Services / Senior Democratic Services & Governance	October 2023	**Risk** Where staff are not sufficiently trained on the protocol, they may not engage with Members effectively and may be unaware of how to resolve disputes.

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Audit Area 5: Monitoring, Recording and Escalation of training

Priority	Action Proposed by Management	Detailed Finding/Rationale – Issue 2
2	The Local Government Association has now been asked to deliver Code of Conduct training in October 2023. Training will be broadly a refresher for those who attended the induction, however examples will be of issues which have subsequently arisen. The Monitoring Officer and Interim Head of Democratic Services will attend the session and also meet with the LGA trainer before the session to highlight the need to cover the Officer / Member relationship protocol. Political groups will also be contacted to promote the training and highlight its importance. Training details will go in the Member Newsletter.	**Expected Control** Members must complete compulsory training so that they can competently perform their roles. **Finding/Issue** Member training is overseen by the Democratic Services Manager and is provided through in-person presentations. Whilst there was not specific training titled 'Member Officer Protocol', we were directed by the Democratic Services Manager to three presentations relevant to this area. Through discussion with the Democratic Services Team, it was identified that the Member Induction Day and Code of Conduct training discussed the Member Officer Protocol at a high level whereas the Roles and Responsibilities training contained more details about the Protocol. As such we reviewed the training records of members for these three presentations. The materials used within the presentations were reviewed and it was found that, while the Member Induction Day and Code of Conduct presentations made some reference to the Member Officer Protocol, the Member Roles and Responsibilities training was the most relevant. Internal Audit advised that all three trainings had been classified as 'mandatory' for all members by the Ethics Committee. We reviewed the training records for the three trainings and calculated the following completion statistics from the Member Training Log which consisted of 71 individuals at the time of our fieldwork: 1. Member Induction Day – 60 (85%); 2. Code of Conduct – 61 (86%); and

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3. Member Roles and Responsibilities – 50 (70%).

Where members have not attended training, the Democratic Services Team engage with party whips to rearrange. We noted that emails had been sent by the Democratic Services Team to the whips regarding the Code of Conduct and Members Roles and Responsibilities training in the month following the presentation, however, no suitable time was found, and the training was not repeated.

Risk

Where members do not complete relevant mandatory training, they may not be aware of the requirements of the protocol and may not work effectively with Officers.

Responsible Officer	Deadline
Interim Head of Democratic Services / Senior Democratic Services & Governance	October 2023

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4. Priority 3 Findings

Agreed action	Detailed Finding/Rationale
Issue 3 - Monitoring, Recording and Escalation of training **Action proposed by management:** This was partly due to the volume of training being delivered following the 2022 elections. With a reduced level of training being delivered, such administration errors should be eliminated. Officers have been informed of the Audit findings, and the importance of maintaining accurate training records, as described in this Audit report. **Responsible Officer:** Interim Head of Democratic Services / Senior Democratic Services & Governance **Deadline:** Immediately	**Expected Control** Internal records of completion for training should be accurately completed. The Council publishes the training records of members online within their personal space of the website. **Finding/Issue** We sought to confirm that training records were accurately completed and that those published on the Council website align with internal records. We reviewed the training records for the Member Induction Day, Code of Conduct and Member Roles and Responsibilities, which are monitored through a spreadsheet called the Member Training Log, which is updated by the Democratic Services Team. All of these were presentations delivered to members in May 2022, and attendance was compulsory for all 71 members. Of the 71 member records, we identified: 1. One member who had attended Member Roles and Responsibilities training according to the website, but not the Training Log. The Democratic Services Team confirmed that this training had been completed. 2. One member who had not attended Member Roles and Responsibilities training according to the website but had according to the Training Log. The Democratic Services Team confirmed that this training had been completed. 3. One member who had not attended the Member Roles and Responsibilities training according to the website, but who had according to the Training Log. The Democratic Services Team confirmed that this training had not been completed.

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4. One member who had attended the Member Induction Day training according to the website, but who had not according to the Training Log. The Democratic Services Team confirmed that this training had been completed. We were advised by the Democratic services Team that these discrepancies were the result of administrative errors.

Risk

Where published records and internal training records do not match, the public do not have a true reflection of the training completed by their Councillor. Where internal records of training completion are inaccurate, the Democratic Services Team do not have sufficient oversight over member training.

Issue 4 - Legislative, Organisational and Management Requirements

Action proposed by management:

The underlying issue is the same as Issue 3. Related to administration errors in accurately capturing, recording and publishing Member training logs.

Officers have been informed of the Audit findings, and the importance of maintaining accurate training records, as described in this Audit report.

If future errors occur, Dem Services will build in a verification process (so an additional team member checks the recordings) however this isn't felt appropriate given resources needed.

Expected Control

Members may be part of committees which are responsible for key areas of Council decision making. Prior to attending the Licensing and Planning Committees, members and their reserves must have completed training in order to ensure that they are able to discharge their duties.

Finding/Issue

We sought to confirm that all current members in the Licensing and Planning Committees had completed the mandatory training. We reviewed the training records for the Licensing Committee and found that out of 12 Members, three embers had not received training according to the member training log. We queried this with the Democratic Services Team and were advised that two of the members had completed the training and the remaining member had not yet attended committee as they were newly appointed.

We reviewed the training records for the Planning Committee and found that out of 20 members:

- One reserve member of the Planning Committee had not completed the training prior to attending committee. We queried this with the Democratic

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Responsible Officer:	Services Team and were provided with evidence that they had completed an equivalent training course.
Interim Head of Democratic Services / Senior Democratic Services & Governance	• One reserve member of the Planning Committee had not completed training but had not yet attended Committee. Internal Audit was advised that they would not attend committee until after the training is rerun in May 2023.
Deadline:	**Risk**
Immediately	Where records of Committee Training are not consistently updated, there may be a lack of clarity as to which members are qualified to attend Committee. This can lead to a lack of consistent approach and confusion.

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AUDIT TERMS OF REFERENCE
Member Officer Protocol: Staff Training

1. INTRODUCTION

1.1 Mutual trust and respect between Councillors and employees is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed. This working relationship is based on mutual respect and trust. To achieve this, it is essential that both Members and staff feel free to speak to one another openly and honestly and that there is a shared understanding of respective roles and expectations.

1.2 Council has a Protocol for Staff-Member relations that clarifies the roles and relationships of members and staff and sets out how they will work together. It also includes a process to follow on rare occasions when things go wrong. The protocol seeks to set a framework that assists the working relationships between members and employees.

1.3 From time-to-time training programmes will be arranged for members and staff. These might involve induction, presentations and discussions on particular topics as well as training on specific topics such as the Code of Conduct. It is important that members and staff take advantage of these training opportunities and attend those relevant to their needs. Effective member development is essential to ensure that Councillors update their knowledge and learn new skills to be able to carry out their duties.

1.4 This audit is being undertaken as part of the agreed Internal Audit Plan for 2022/23.

2. OBJECTIVES AND METHOD

2.1 The overall audit objective was to provide an objective independent opinion on the adequacy and effectiveness of controls / processes.

2.2 The audit for each controls / process being considered:

- Walkthrough the processes to consider the key controls;
- Conduct sample testing of the identified key controls, and
- Report on these accordingly.

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3.   SCOPE

3.1   This audit included the following areas (and issues raised):

Control Areas/Risks	Issues Raised		
	Priority 1 (High)	Priority 2 (Medium)	Priority 3 (Low)
Legislative, Organisational and Management Requirements;	0	0	1
Training needs assessment;	0	0	0
Training Programmes;	0	1	0
Budget allocation for training and development; and	0	0	0
Monitoring, Recording and Escalation of training.	0	1	1
Total	**0**	**2**	**2**

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Definitions for Audit Opinions and Identified Issues

In order to assist management in using our reports:

We categorise our **audit assurance opinion** according to our overall assessment of the risk management system, effectiveness of the controls in place and the level of compliance with these controls and the action being taken to remedy significant findings or weaknesses.

🟢	Full Assurance	There is a sound system of control designed to achieve the system objectives and the controls are constantly applied.
🟡	Substantial Assurance	While there is basically a sound system of control to achieve the system objectives, there are weaknesses in the design or level of non-compliance of the controls which may put this achievement at risk.
🟠	Limited Assurance	There are significant weaknesses in key areas of system controls and non-compliance that puts achieving the system objectives at risk,
🔴	No Assurance	Controls are non-existent or extremely weak, leaving the system open to the high risk of error, abuse and reputational damage.

Priorities assigned to identified issues are based on the following criteria:

Priority 1 (High)	Fundamental control weaknesses that require immediate attention by management to action and mitigate significant exposure to risk.
Priority 2 (Medium)	Control weakness that still represent an exposure to risk and need to be addressed within a reasonable period.
Priority 3 (Low)	Although control weaknesses are considered to be relatively minor and low risk, still provides an opportunity for improvement. May also apply to areas considered to be of best practice that can improve for example the value for money of the review area.

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Statement of Responsibility

We take responsibility to the London Borough of Croydon for this report which is prepared on the basis of the limitations set out below.

The responsibility for designing and maintaining a sound system of internal control and the prevention and detection of fraud and other irregularities rests with management, with internal audit providing a service to management to enable them to achieve this objective. Specifically, we assess the adequacy and effectiveness of the system of internal control arrangements implemented by management and perform sample testing on those controls in the period under review with a view to providing an opinion on the extent to which risks in this area are managed.

We plan our work in order to ensure that we have a reasonable expectation of detecting significant control weaknesses. However, our procedures alone should not be relied upon to identify all strengths and weaknesses in internal controls, nor relied upon to identify any circumstances of fraud or irregularity. Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud.

The matters raised in this report are only those which came to our attention during the course of our work and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Recommendations for improvements should be assessed by you for their full impact before they are implemented. The performance of our work is not and should not be taken as a substitute for management's responsibilities for the application of sound management practices.

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