

Audit and Standards Committee

Agenda

18 November 2008

The Audit and Standards Committee will meet at the **SHIRE HALL, WARWICK** on **Monday 18th November 2008 at 10:00 a.m.**

The agenda will be: -

1. General

(1) **Apologies for absence**

(2) **Members' Disclosures of Personal and Prejudicial Interests**

Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

(3) **Minutes of the Audit and Standards Committee meeting held on 22nd September 2008 and matters arising.**

STANDARDS ITEMS

2. Standards Board for England – Case Review 2008 Digest

Report of the Strategic Director of Performance and Development

The report encloses the latest Case Review 2008 Digest.

Recommendation

That the Committee notes the contents of the latest Case Review 2008 Digest.

For further information please contact Jane Pollard, Acting Corporate Legal Services Manager, Tel: 01926 41 2565 E-mail janepollard@warwickshire.gov.uk.

3. Codes of Conduct for local authority members and employees – a consultation

Report of the Strategic Director of Performance and Development.

This report advises members of a new government consultation about local authority codes of conduct for members and employees. The deadline for responses is Wednesday 24 December 2008.

Recommendation

That the Committee comments on the proposals from government.

For further information please contact Jane Pollard, Acting Corporate Legal Services Manager, Tel: 01926 41 2565 E-mail janepollard@warwickshire.gov.uk.

4. Local Assessment Procedure

Report of the Strategic Director of Performance and Development.

This report sets out the process for local assessment of complaints in Warwickshire.

Recommendation

That the Committee approves the process.

For further information please contact Jane Pollard, Acting Corporate Legal Services Manager, Tel: 01926 41 2565 E-mail janepollard@warwickshire.gov.uk.

AUDIT ITEMS

5. Health and Safety Annual Report

Report of the Strategic Director of Performance and Development.

To present a copy of the County Council's Health and Safety Annual Report for 2007/2008.

Recommendation

That Members of the Committee receive a copy of the Health and Safety Annual Report for 2007/2008 and note the issues raised.

For further information please contact Colin Jones, Facilities Support Manager, Tel 01926 412765 E-mail colinjones@warwickshire.gov.uk.

6. Corporate Governance Action Plan.

Report of the Strategic Director of Performance and Development

An update on the Directorate and Corporate response to the Corporate Governance Action Plan.

Recommendation

- 1) That the Committee notes the progress being made both corporately and by Directorates in response to the 2007 Corporate Governance audit, and makes any comment it wishes.

For further information please contact David Carter, Strategic Director of Performance and Development, Tel. 01926 412564 E-mail davidcarter@warwickshire.gov.uk or. Jane Pollard, Acting Corporate Legal Services Manager, Tel: 01926 41 2565 E-mail janepollard@warwickshire.gov.uk.

7. Update on Case File Recording

Report of the Strategic Director of Adult, Health and Community Services.

This report gives an update on progress made within adult social care in the area of case recording

Recommendation that the Committee considers and comments on the report.

For further information please contact Liz Bruce, Head of Local Commissioning, Tel: 01926 742547 E-mail lizbruce@warwickshire.gov.uk.

8. Any Other Business

Which the Chair decides is urgent.

9. Future Meeting Dates

To note future meeting dates to be held in Shire Hall at 10:00 a.m. as follows - Monday 23 February 2009.

10. Report Containing Confidential or Exempt Information

To consider passing the following resolution:

'That members of the public be excluded from the meeting for item 8 below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in paragraphs 1,2, and 7 of the Local Government Act 1972'.

(NB. Copies of extracts describing exempt information are available in Warwickshire Libraries, the County Council Handbook and the Access to Information Register held in my office).

11. Internal Audit Report for the period 1 April 2008 to 30 September 2008

Report of the Strategic Director of Performance and Development

This report summarises the results of internal audit work during the period 1 April 2008 to 30 Sept 2008

Recommendation that the Committee notes the report

For further information please contact Garry Rollason, Audit and Risk Manager
Tel: 01926 412679 E-mail: garryrollason@warwickshire.gov.uk.

Jim Graham
Chief Executive

Shire Hall,
Warwick
September 2008

Membership

Councillors Sarah Boad, Les Caborn, Mick Jones, Tim Naylor,
Bob Stevens and John Vereker CBE.

Independent Members: John Bridgeman CBE, (Chair), Rob Jeanes, Mark Magowan and Bob Meacham OBE

If you have any questions about this agenda please contact John Wright, Committee Manager, Member Services, Performance and Development Directorate, Tel. 01926 412320 or e-mail johnwright@warwickshire.gov.uk

The **AUDIT AND STANDARDS COMMITTEE** met at **WARWICK** on the **22nd September 2008**.

Present: -

Independent Members

John Bridgeman CBE (Chair)

County Councillors

Sarah Boad
Les Caborn
Mick Jones
Tim Naylor
Bob Stevens
John Vereker CBE

Also present:

Tony Parks and David Rigg, Audit Commission.

Officers

David Clarke, Strategic Director Resources
Greta Needham, Head of Law and Governance
Jane Pollard, Overview and Scrutiny Manager.
Garry Rollason, Audit and Risk Manager,
John Wright, Committee Manager

1. General

(1) Apologies for absence

Apologies for absence were received from Mark Magowan and David Carter.

(2) Members' Disclosures of Personal and Prejudicial Interests

None

(3) Minutes of the Audit and Standards Committee meeting held on 16 June 2008.

Resolved that the minutes of the meeting held on 16 June 2008 be approved and signed by the Chair as a correct record.

(4) Matters Arising.

(a) Future Items

The Committee requested that a report be submitted to future meetings of the Committee of a timetable of forthcoming items which will be considered by the Committee

(b) Minute 4 (a) 30 April Minute 2 Investigation under the Member Code of Conduct

The Committee noted that the Standards Board For England had been informed of the decision of the Audit and Standards Committee in relation to Councillor Kanwardeep Singh. The Committee was informed that Councillor Singh had yet to undertake the training required by the Committee and efforts were ongoing to arrange a suitable appointment for the training to take place.

(c) Minute 3 Revised Terms of Reference and Arrangements for the Audit and Standards Committee

The Committee noted that references were being taken from the two preferred candidates for the role of additional independent members of the Committee. It was anticipated that the names of the new members of the Committee would be confirmed at the Council meeting on 21 October.

(d) Minute 4 Contract Standing Orders for Schools

Members enquired what steps were being taken to develop imaginative delivery methods to ensure that schools engage with the requirements of the revised Standing Orders and were informed that details would be reported to the next meeting of the Committee.

(e) Minute 5 Adult Social Care Case Recording

The Committee noted that a further report would be made to the November meeting of the Committee.

(f) Minute 6 The Annual Governance Statement 2007/2008

The Committee noted that the governance statement had been reported to Cabinet and Council for approval.

(g) Minute 7 Opinion Audit Plan 2007/08, Audit and Inspection Plan 2008/2009 and Audit and Inspection Letter 2006/2007

The Committee was informed that training for members on the Comprehensive Area Assessment would take place in the new year.

(h) Minute 10 (1) Joint/Reciprocal Working Arrangements

The Committee was informed that the possibility of reciprocal working arrangements with the Police Authority continued to be explored though the Police already had reciprocal arrangements in place with West Midlands Police. The District/Borough Councils in the County had indicated that they were not interested in establishing reciprocal arrangements at present due to the low level of code of conduct complaints.

2. Standards Board for England – Bulletins No. 39 and 40

The Committee considered the report of the Strategic Director of Performance and Development on the content of the Standards Board Bulletins No.39 and 40.

Resolved that

- (i) the content of the Standards Board Bulletins No. 39 and 40 be noted; and
- (ii) a report be submitted to the next meeting of the Committee on the content of the Local Standards Framework guidance which had recently been published by the Standards Board.

3. Adjudication Panel Annual Report 2007-2008

The Committee considered the report of the Strategic Director of Performance and Development on the content of the Adjudication Panel's Annual Report 2007-2008

Resolved that the content of the Adjudication Panel's Annual Report 2007-2008 be noted.

4. Standards Board for England Annual Report 2007-2008

The Committee considered the report of the Strategic Director of Performance and Development on the content of the Standards Board for England Annual Report 2007-2008.

Resolved that the content of the Standards Board for England Annual Report 2007-2008 be noted.

AUDIT ITEMS

5. Review of Anti Fraud and Corruption Policy

The Committee considered the joint report of the Strategic Director of Performance and Development and Strategic Director of Resources on the refinement of the existing anti fraud and corruption policy and supporting strategy. The documents had been reviewed to reflect changes in legislation, best practice and allows the Council to demonstrate its continued commitment to the highest standards of probity.

The Committee proposed the following further changes to the policy:

- Paragraph 4 of the Policy, Bullet point 3 be amended to indicate that the Council expects that all individuals and organisations associated with it to also operate to the same high standardsl..
- That as part of the induction process for all newly elected councillors training should be provided on the anti fraud and corruption policy and supporting strategy.

- Appendix 2 of the anti fraud and corruption strategy be reviewed to clarify the roles and responsibilities of all involved in the prevention of fraud and corruption.

Resolved that, subject to the amendments listed above, the updated anti fraud and corruption policy and supporting strategy be supported and Cabinet be recommended to approve the documents.

6. Statement of Accounts 2007/2008, Annual Governance Statement 2007/2008 and Letter of Representation Report

The Committee considered the report of the Strategic Directors of Resources and of Performance and Development. The Committee were informed of the minor changes arising from the final audit of the Statement of Accounts 2007/2008 and of the Annual Governance statement. The Committee also considered the Letter of Representation from the authority to the Audit Commission for 2007/2008.

The Audit Commission had provided an unqualified opinion of the accounts and expressed their appreciation for the co-operation they had received from officers.

The Committee considered the recommendations contained within the Annual Governance Report and noted that progress on the implementation of the recommendations made by internal audit on the HR Service Centre Transactions report and action plan would be reported to the next meeting of the Committee as part of the quarterly audit report.

Resolved that

1. the report relating to the amended accounts and Annual Governance Statement be noted;
2. the recommendations set out in the Annual Governance report be approved and endorsed; and
3. the contents of the Letter of Representation from the authority to the Audit Commission for 2007/2008 be noted.

7. Fire and Rescue Service Improvement Notice

The Committee were reminded that following the incident at Atherstone on Stour on 2nd November 2007, the Health and Safety Executive had issued an Improvement Notice. The Improvement Notice incorporated a schedule of actions that it required the Authority to take. Subsequently the County Council appealed against the Notice and at an Employment Tribunal in March 2008 it was agreed that the Improvement Notice be 'stayed'. The effect of this decision was that both the appeal and the Improvement Notice were suspended.

Officers of the Fire Service had met with the HSE to discuss the new risk information policy implemented in May 2008. The HSE had indicated that it now felt that the Fire and Rescue Authority were compliant with the requirements of the Improvement Notice. It was noted that the terms of the Improvement Notice had been made available to all members of the Council.

The investigation into the fire was still ongoing and the outcome was not expected for at least another year.

Resolved that the report be noted.

8. Calculation of the Culture Rating

The Committee considered the report of the Strategic Director of Resources.

The Committee were informed changes were made to the CPA framework for 2008 related to service level assessment of the framework. In order to achieve a three star rating in the culture assessment no more than 15% of performance indicators could score at or below the lower threshold. In 2006 only one indicator had been below the threshold however in 2007 two indicators scored below the lower threshold and therefore the culture rating had dropped to a two star rating. The indicators in question related to the percentage of the total length of footpaths and other rights of way that are easy to use by members of the public and the cost per visit to libraries. The Committee was informed that work was ongoing to improve footpath accessibility but progress was dependant upon a limited budget. With regard to the cost of visits to libraries the indicator had been changed to reflect the increased online access to library services.

Resolved that the report be noted.

9. Opinion Audit Plan 2007/08, Audit and Inspection Plan 2008/2009 - Additional Information

The Committee considered the report of the Strategic Director of Resources.

At it's previous meeting the Committee had requested additional information following discussion a report on the Opinion Audit Plan 2007/2008 and Audit and Inspection Plan 2008/2009. The report outlined the transition process form the present Comprehensive Performance Assessment framework to the Comprehensive Area Assessment which would be introduced in April 2009.

Resolved that the report be noted

10. Any Other Business

There no items of other business.

11. Dates of Future meetings

18 November 2008

23 February 2009

12. Report Containing Confidential or Exempt Information

Resolved that members of the public be excluded from the meeting for items 13 and 14 below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in paragraphs 1,2 and 7C of the Local Government Act 1972.

13. Exempt minutes of the meeting held on 16 June 2008.

Resolved that the exempt minutes of the meeting held on 16 June 2008 be agreed and signed as a correct record.

.....
Chair of Committee

The Committee rose at 11:40 p.m.

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Agenda No 2

Audit And Standards Committee – 18 November 2008.

Standards Board For England – The Case Review: 2008 Digest

Report of the Strategic Director of Performance and Development

Recommendation

That the Committee notes the contents of the Case Review: 2008 Digest.

1. Introduction

This report attaches the Standards Board for England – The Case Review: 2008 Digest.

DAVID CARTER
Strategic Director of Performance and Development
Shire Hall Warwick
10 November 2008

THE CASE REVIEW: 2008 DIGEST

Introduction

The *Case Review 2007* presented a paragraph-by-paragraph analysis of the revised Code of Conduct. This short digest provides you with any new information or cases that we think may be helpful or interesting for you when using that publication. We are not updating and reprinting the whole document due to the limited extent of the changes, but hope that this digest will act as a useful accompaniment.

The updates in this document relate only to certain paragraphs of the Code, where we think further information will be helpful. We have included new and relevant case examples where appropriate. We have also highlighted any new issues that have arisen over the past year.

In addition, there is a section at the end of this document called **Examples on procedural matters**. This consists of case examples that do not necessarily fit under particular paragraphs of the Code, but which you may find useful.

To get the most from this publication, please read it in conjunction with the *Case Review 2007*. If you do not have a copy of the *Case Review 2007*, you can download it for free from our website, www.standardsboard.gov.uk.

If you would like to order a hard copy at a cost of £20, please email publications@standardsboard.gov.uk or call 0161 817 5300.

Key changes

Since the *Case Review 2007* was published, changes brought about by the Local Government and Public Involvement in Health Act 2007 have seen complaints being dealt with by local authorities. The Standards Board has had a major shift in its focus as a result of this change. We are now a strategic regulator, providing national oversight of the locally owned system.

The key changes to local complaints assessments, which were brought into effect by new and revised regulations, apply only to standards committees of authorities in England. There is no change to the arrangements in complaints assessment for police authorities in Wales and these continue to be dealt with by the Public Services Ombudsman for Wales. We are currently working with our Welsh partners to produce a relevant version of our *Local Standards Framework guidance*, in Welsh.

The government is still reconsidering the way in which the Code does, and does not, impact on someone when they are not acting in their capacity as a member. The changes brought in by the 2007 Act, coupled with the revised Code of 2007, aim to bring certain types of criminal conduct within the scope of the legislation. This is criminal conduct which has resulted in a conviction, even where the activity has not been carried out in an official capacity. At the time of writing, these provisions are not yet in force although consultation on the matter has now started.

paragraph 1

Rulings over members.

The government has now made it a legal requirement that all standards committees must be chaired by an independent member. Also sub-committees of standard committees must be chaired by an independent member when assessing and reviewing complaints, considering reports or when they are actually hearing a complaint.

Furthermore, regulation 5 of the Standards Committee (England) Regulations 2008 no.1085, allows authorities to adopt procedures which govern the temporary appointments of “shared” independent members. They can be appointed to deal with particular allegations or members, and can be appointed for specified periods of time.

In addition, the Local Government Act 1972 has recently been amended by the addition of a new Section 16A. This grants parish councils the power to “appoint persons to be councillors of the council”. Regulations under this section are still awaited.

Whether “meeting” also includes informal meetings.

This is a frequently asked question about paragraph 1 of the Code of Conduct. The answer is no. Informal meetings between members and officers and political group meetings are not covered by the requirement to declare interests (see Q4 on page 8 of the Case

Review 2007 for more information on this). In the case of APE 0355, the Adjudication Panel for England, in a preliminary issue, had to decide if meetings of the “Development Plans Policy Project Group” were meetings for the purposes of the Code.

The Tribunal reasoned that it was perfectly proper for an authority to set up either a working party or a committee or sub-committee to advise the authority on any matter it saw fit.

Generally, the authority’s subjective intention would determine this issue:

“Where the manifest intention of the local authority was to create a working party that should be decisive unless there was something unlawful behind the intention.” - R, v Warwickshire District Council exp Bailey [1991] COD 284

However, paragraph 6(a) of the Code, which prevents members from using their position improperly, applies at all times when members are acting in their official capacity.

A member should not use pre-meetings or informal meetings to influence a matter in which they have a prejudicial interest. If they do so, they are very likely to fail to comply with the Code by improperly seeking to influence a decision.

paragraph2

Applying the Code of Conduct to members working in a private capacity or representing authorities.

In Q9 under paragraph 2 of the *Case Review 2007*, we answered the question “**When does the Code of Conduct apply?**”.

We would like to add that the issue of whether a member has been representing an authority or acting in a private capacity is something which must be established. This is because it decides whether the Code applies to a member at all.

Ideally this will be established when assessing complaints. However, sometimes it will only become clear during an investigation.

When the Code ceases to apply to suspended members.

The Standards Board is currently considering its position on the consequences of suspension.

If you have any queries about this, please get in touch with us.

Application of the Code when a member is carrying out an activity which is not official business.

A recent case (APE 0389) illustrated the application of the Code when a member is carrying out an activity, which is not in their official capacity.

In this case, the Adjudication Panel for England had to consider the test previously set out by Mr Justice Collins in the High Court case concerning the former Mayor of London, Ken Livingstone.

The Adjudication Panel decided that the councillor was subject to the Code when he used a council computer to access indecent images of children. This case was considered in the context of paragraphs 4 and 5 of the Code.

Here are some further case examples that relate to paragraph 2 of the Code.

Example 1

In APE 0401, the member appealed against a standards committee finding under the 2001 Code. The standards committee had found that the member had failed to treat others with respect and brought his office or authority into disrepute. This was by using his position to gain entry to a council-funded organisation and then:

- demanding information from staff
- becoming aggressive
- threatening staff's employment
- refusing to leave until senior staff threatened to call the police

The Adjudication Panel for England decided that the standards committee had failed to address whether the member's conduct was undertaken

paragraph2

Continued ...

in an official capacity. In the Tribunal's view, the judgment in the Livingstone case established that for a member to be acting in their official capacity:

- 1) they should be engaged in business directly related to the Council or constituents
- 2) the link between office and the conduct should have a degree of formality

The Tribunal found that the member was not on council business and there was no apparent relationship between the purpose of his visit and any relevant function of the council. The mere fact that he declared himself a councillor while undertaking his visit could not justify a conclusion that he was acting in his official capacity. Accordingly, the Tribunal decided that the member did not fail to treat others with respect in his capacity as a councillor.

However, by so clearly identifying himself as a councillor, his conduct had come within paragraph 4 of the Code. This says that "a member must not in his official capacity or any other circumstances, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute". Even on the restrictive definition of "in any other circumstance" as set out in the Livingstone case, his behaviour was caught by the Code, and therefore the finding of a breach was upheld.

paragraph3

Here are three new case examples that relate to paragraph 3 of the Code of Conduct.

Example 1

In APE 0378, a councillor wrote to an officer, the chief executive, in rude terms demanding action where she had no authority to do so. In this instance, the Adjudication Panel for England decided that the member had not shown disrespect to the chief executive of the authority. The Adjudication Panel decided that sufficient weight had to be given to the fact that the officer was the chief executive, and it was significant that there was no direct personal attack on that officer.

Conversely, the Adjudication Panel did find that there was disrespect shown to a senior police officer. This is because the councillor did not address him respectfully in email correspondence and referred to him by his surname outside of the expected norms of such relationships. This was compounded by the circulation of the offending emails to junior and senior officers within both organisations.

Example 2

In the same case above, APE 0378, the tribunal considered whether racist comments can have a political dimension and examined whether they could be afforded the protection of freedom of expression under Article 10.

The councillor made a complaint about planning enforcement, stating that “those wishing to buck the system were usually of ethnic origin”.

The Tribunal considered the High Court case of Sanders v Kingston on the degree of protection a councillor is entitled to when considering that councillor’s right to freedom of expression. The Adjudication Panel summarised the judge’s reasoning and concluded “that a person is entitled to the extremely high level of protection which the authorities demonstrate must be given to political expression because of its fundamental importance for the maintenance of a democratic society. However, a factual investigation of the nature of the words used is necessary to determine whether they amount to political expression, or whether they are no more than expressions of personal anger and personal abuse”.

The Tribunal decided that where a member based expressions of opinion on prejudice against people it would, in the mind of a reasonable person, bring both the office and authority into disrepute. This is not only due to the authority’s statutory duties under anti-discrimination legislation, but also because such attitudes fall far short of what is expected of those holding public office.

Example 3

The Tribunal in the case of APE 0399 considered the threshold for a failure to treat

paragraph3

Continued ...

others with respect. The subject member made comments about the town clerk at a parish meeting saying that an officer found her “difficult to get on with”. The member added that “this is also the view of many town’s people who say that when they try to contact the town clerk, she is downright rude to them”.

The Tribunal considered that the threshold for a failure to treat another with respect has to be set at a level that allows for the passion and frustration that often accompanies political debate and the discussion of the efficient running of a council. It should also be set within the context of who was involved in the exchange.

In this case, the comments were opinions of other individuals which the member honestly believed to be true. The member’s conduct was not unfair, unreasonable or demeaning to the town clerk and not made in a malicious or bullying manner. The town clerk was very experienced in her dealings with councillors and given her seniority was entirely able to defend her position. So the Tribunal decided that the threshold was not met.

paragraph4

There are no updates to paragraph 4

paragraph5

Here are two new case examples that relate to paragraph 5 of the Code of Conduct.

Example 1

The Adjudication Panel for England considered case APE 0383 under the 2001 Code. In this case, a councillor was given information in a private briefing to councillors. The briefing was about the council's proposals to buy land and relocate its offices to another town.

The information was made public swiftly after this. The councillor did not agree with the proposals, and secretly bought the land to prevent the council considering it as an option for its future operations. The link to his office was clearly made.

Together with the lack of openness, these actions diminished public confidence in his ability to discharge his office as a councillor. He had therefore conducted himself in a manner which would reasonably be regarded as bringing his office or authority into disrepute. He had also failed to register the exchange of contracts in the land within 28 days. However, the Tribunal decided that he had not improperly sought to secure an advantage or disadvantage. This is discussed further in the cases given under paragraph 6 on page 8.

Example 2

The Adjudication Panel for England decided that a member had brought his office or authority into disrepute in the case APE 0387, under the 2001 Code.

In this case, the member had issued threats to another member immediately before a planning decision was taken. The threats concerned the deselection of the councillor and were coupled with offensive language. These threats were overheard.

The Tribunal did not find these threats improper in the context of political life, and accepted that future careers could be affected by the way a member voted.

However, the Tribunal did find that the comments were disreputable. This was especially so when there was a planning protocol which had been adopted by the council, although not incorporated in the council's code of conduct. The threats and actions of the member constituted a failure to follow that guidance and a breach of that protocol, and so were sufficient to be disreputable.

paragraph6

In the Case Review 2007, we asked “What kinds of attempts to secure advantages or disadvantages would be improper?”.

Here are two further case examples which relate to this question.

Example 1

The Adjudication Panel for England considered a case under the old Code of Conduct, APE 0383.

In this case, the council intended to purchase land to relocate its offices from one town to another. The council provided information privately to councillors but swiftly after this, made all the information public.

The subject member privately purchased the land to prevent the council from buying it, because he did not agree with the relocation plans. The councillor also incurred a significant loss in the venture.

The Tribunal decided that because he was acting in the public interest, however misguided, and gained no benefit, he did not use his position improperly to secure an advantage or disadvantage. However, the Tribunal did decide that he had brought his office or authority into disrepute and this is dealt with under paragraph 5 on page 7.

Example 2

In a case decided by the Adjudication Panel concerning a mayor, APE 0382, the Tribunal decided that there was no attempt to improperly secure an advantage or disadvantage.

This was in a situation where the member held a meeting, whose purpose was unclear, with one of two parties who were in dispute with each other and the council. Officers were not present at the meeting.

The mayor had previously been a director of one of the parties and at the meeting personally drew up a document whose purpose was uncertain. The Tribunal concluded that the actions were foolhardy and there was an unexplained pattern of behaviour favouring one party. However foolish the actions were, they did not amount to a breach of the Code.

paragraphs 7-10

There are no updates to paragraphs 7-10

paragraph 11

Whether members who have prejudicial interests can nevertheless remain in the meeting after they have answered questions and given their evidence to the committee.

This is a frequently asked question on paragraph 11 of the Code of Conduct. We are aware that some authorities actively encourage all their members to attend overview and scrutiny meetings to better inform and improve the quality of the authority's decision-making.

Our view is that the decision of the Court of Appeal in Richardson would still apply in these circumstances and that normally, after their statutory role is finished, members with prejudicial interests should withdraw from the room.

paragraph12

Here is an example relating to paragraph 12 of the Code of Conduct.

Example 1

In APE 0395, an appeal from a standards committee, the member declared a personal and prejudicial interest and withdrew from the meeting. He returned after the conclusion of the item to chair the remainder of the agenda.

The standard agenda item enabling members of the public to raise issues they would like to be included on the next meeting's agenda was then considered. At this point, a member of the public expressed dissatisfaction about the minimal progress made in reaching a decision on the item in which the chair had previously declared the interest. A short exchange then followed between some councillors and that member of the public.

The tribunal decided that this exchange did not constitute consideration for the purposes of the Code, as there was no intention to have a further discussion on that item.

paragraphs13-14

There are no updates to paragraphs 13-14

examples on procedural matters

The following are case examples of procedural matters which do not necessarily fall under particular paragraphs of the Code of Conduct.

Example 1

In the case APE 0403, the appeals tribunal was of the view that whether or not advice is provided, it is the personal responsibility of a member to determine if they have a prejudicial interest and so whether they need to withdraw. This means that even if a member relies on incorrect legal advice, it does not mean that a breach has not been committed. Any advice sought or given only affects the seriousness of the breach and therefore the sanction.

Example 2

The appeals tribunal decided in the case APE 0403, that a standards committee does not exceed its jurisdiction by dealing with a matter that has not been complained about. In this case, the investigating officer's report did not reflect the complainant's letter in exact terms. However, the tribunal decided that the facts and matters which gave rise to the breach were clearly before the standards committee. The tribunal therefore decided it was not a matter beyond the standards committee's jurisdiction.

Example 3

The appeals tribunal made clear in the above case, APE 0403, that the role of the investigating officer is to collect together the evidence and then present this to the standards committee. It

was not, in any sense, the investigating officer's evidence.

It was also part of the investigating officer's role to give their views on whether the evidence substantiated a breach of the Code. This stood as advice to the standards committee to take into account, but which it was not obliged to follow.

Example 4

The original complaint does not fix the scope of the investigation – it is simply the initiating act. The appeals tribunal in the case APE 0401 found that it was legitimate for the investigating officer to ultimately allege a breach of the Code not identified by the complainant.

Example 5

The appeals tribunal in the case above, APE 0401, found that it was also legitimate for an investigating officer to "chaperone" a witness. Where a witness is called by the investigating officer to support a finding in their report of an alleged breach of the Code, there was no obligation on the investigating officer at that stage of the process to adopt an impartial stance.

Example 6

The appeals tribunal advised in the case APE 0399 that a situation might arise where the facts of the case are undisputed and the case is being heard in the absence of the subject member. This is on the basis of papers served on them before the hearing.

examples on procedural matters

Continued ...

In such situations, further evidence should not be introduced to the standards committee without giving the subject member the opportunity to look at the substance of that evidence. The subject member is then able to make a decision about whether to attend the hearing to rebut the evidence or to make written representations about it.

Example 7

The appeals tribunal in the case above, APE 0399, also advised that while standards committees are free to regulate their own procedures, following Standards Board guidance provides a firm procedural foundation for the hearings. Not doing so in this case may have led to a degree of unfairness at the hearing.

Example 8

In APE 0394, the appeals tribunal advised that where an allegation is about a failure to declare a personal interest at a meeting, it is essential that the committee satisfies itself that the member was present at the relevant meeting. This is on the basis of the available evidence, usually in the form of committee minutes. The standards committee should not expect the member to prove that he was not present at the meeting.

Example 9

In the case tribunal APE 0378, the Tribunal noted that Parliament had not provided any limitation period within which a complaint had to be made. Therefore, if an allegation relies on a series of events, it is appropriate for the Tribunal

to look at the individual event as part of that series when considering whether its age makes it unfair or detrimental to the subject member.

In considering unfairness and the detrimental effect in this case, the Tribunal took into account:

- that all the events occurred within two years
- the allegations were supported by written evidence rather than personal recollections
- the events related to breaches of the same paragraph of the Code
- the member had not identified any detriment she had suffered as a result of the age of some of the events

There was therefore no unfairness or detriment in the allegations being dealt with.

Example 10

In APE 0396, the chair at a planning meeting declared a personal interest but not a prejudicial interest, which he also had. The member voted at the meeting and used his casting vote as chair following an equality of votes to object to the planning application. The appeals tribunal upheld the standards committee finding that the use of the casting vote elevated the seriousness of the breach. This was taken into account when the sanction was imposed.

Contact the Standards Board

Tel: 0845 078 8181

Minicom: 0161 817 5449

Web: www.standardsboard.gov.uk

Email: enquiries@standardsboard.gov.uk

AGENDA MANAGEMENT SHEET

Name of Committee

Audit And Standards Committee

Date of Committee

18 November 2008

Report Title

Codes of Conduct for local authority members and employees -a consultation

Summary

This report advises members of a new government consultation about local authority codes of conduct for members and employees. The deadline for responses is Wednesday 24 December 2008.

For further information please contact:

Jane Pollard
Corporate Legal Services
Manager
Tel: 01926 412565
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No.

Would the recommended decision be contrary to the Budget and Policy Framework?

Background papers

None

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees
- Local Member(s) N/A
- Other Elected Members
- Cabinet Member
- Chief Executive
- Legal Jane Pollard
- Finance
- Other Strategic Directors
- District Councils
- Health Authority

Police

Other Bodies/Individuals

FINAL DECISION NO

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet 11 December 2008

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No 3

Audit And Standards Committee - 18 November 2008.

Codes of Conduct for local authority members and employees -A consultation

Report of the Strategic Director of Performance and Development

Recommendation

That the committee comments on the proposals from government.

Introduction

1. The government published Communities in control: Real people, real power: Codes of conduct for local authority members and employees – A consultation paper on 1 October 2008. The deadline for responses is 24 December 2008.
2. The consultation paper invites views on proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. It also seeks views on the proposed introduction of a model code of conduct for local government employees. The government's proposals are set in full in the following paragraphs which are extracts from the consultation paper.

A Governments Proposed Revisions to the Members Code

3. We are proposing that the members' code be restructured by revoking the existing Order and making a new one. We propose that the new members' code will be differently formatted to the existing code, making it easier to interpret and clearer in its application, for instance by dividing it into two sections: the first dealing with members' conduct when acting in an official capacity and reflecting what is in the current code, the second dealing with members' conduct in their non-official capacity.

Application of the code to members' conduct in their non-official capacity

4. It has always been our intention for the members' code to apply to a limited extent to the conduct of members in a non-official capacity. We wish now to clarify which provisions of the members' code apply in a member's official capacity and to put beyond doubt which provisions apply to a member's

conduct in a non-official capacity.

5. Trust in our local authority members is one of the cornerstones of local democracy. Members should inspire trust and confidence from those who elected them, set an example of leadership for their communities and should be expected to act lawfully even when they are not acting in their role as members.
6. The need to clarify what conduct in a member's non-official capacity is covered by the members' code arose as a consequence of a court judgment in 2006. This cast doubt on the ability of the code to cover members' conduct not linked to the performance of their public duties. As was made clear by Ministers during the passage of the Local Government and Public Involvement in Health Act 2007, we consider that certain behaviour, even when there is no direct link to the member's official role, can have an adverse effect on the level of public trust in local authority members and local government as a whole.
7. We propose therefore that the new members' code should, in the section covering the conduct of members in their non-official capacity, contain the following provision prohibiting particular conduct where that conduct would constitute a criminal offence:

"Members must not bring their office or authority into disrepute by conduct which is a criminal offence".

Consultation Question 1:

Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?

Definition of 'criminal offence' and 'official capacity'

8. We propose for the purpose of the members' code, that 'criminal offence' be defined as any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction.
9. Our intention is that offences capable of attracting fixed penalty notices should be excluded from the remit of the conduct regime. We consider that this approach will ensure that the most minor criminal offences, for example minor motoring offences, parking offences and dropping litter as well as cautions and orders falling short of a criminal conviction by a court, will not be included in the remit of the members' code. However, serious criminal offences which we consider should come under the remit of the members' code, such as assault, harassment, fraud and offences relating to child pornography will be included in the remit of the code.
10. We propose that the Standards Board for England will issue guidance for local authority standards committees on how a criminal offence should be treated in its application to the conduct regime.

Consultation Question 2:

Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

Official Capacity

11. We propose that for the purposes of the members' code, 'official capacity' be defined as being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority.

Consultation Question 3:

Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.

Offending abroad

12. We also propose that the members' code would engage with conduct committed in a foreign country, where that conduct constitutes a criminal offence in that country, but only where the conduct would also constitute a criminal offence if it was committed in the UK. However, the code would only apply if the individual was convicted in the country in which the offence was committed.

Consultation Question 4:

Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

What does this mean?

13. Our proposals would have the effect of providing that the only conduct in a member's non-official capacity which is engaged by the code, is conduct which constitutes a criminal offence, as defined in paragraph 2.10 above. The code may only then be applied to that conduct when the evidence that the member's conduct constituted a criminal offence is provided by the criminal conviction of the member in the courts.

14. This would mean, for example, that a member who was convicted of a criminal offence of assault or harassment could be held to have breached the code, even if the conduct, which led to the conviction took place entirely outside the member's official capacity.

The conduct regime

15. At present, investigations into alleged breaches of the members' code are triggered by a written allegation made to the standards committee of the local authority concerned. We propose that this continue to be the case when dealing with allegations of misconduct in relation to a member's conduct in their non-official capacity.

16. Where the allegation involves criminal activity that is, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, we propose that the standards committee or the Standards Board, as the case may be, would cease their investigation process until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a member's private conduct would follow the conclusion of the criminal procedure. The member would not be suspended during the period of the criminal process.
17. For the purpose of the conduct regime, the criminal process will be considered to have been completed at the conclusion of any appeals process.

Consultation Question 5:

Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

Other Proposed revisions to the members' code

18. This consultation paper also seeks views on the following amendments which we propose to make to the provisions of the existing code. The proposed amendments reflect discussions with the Standards Board and, in particular, the Board's experience of the practical operation of the code over the last year.

Parish councils

19. It has been suggested that article 2(5) of the Local Authorities (Model Code of Conduct) Order 2007 be amended to apply paragraph 12(2) to parish councils, to make it mandatory for parish councils that a member with a prejudicial interest may make representations at a meeting only if members of the public are able to attend that meeting for the same purpose. Currently, if a parish council wishes this provision to apply, it must make a conscious decision to adopt paragraph 12(2) into its code. This amendment would save unnecessary administration and ensure consistency across parish councils.

Membership of other bodies

20. It has been suggested that paragraphs 8(1)(a)(i) and (ii) of the current members' code be amended to clarify that the sections are referring to other bodies that you are a member of or which exercise functions of a public nature, putting it beyond doubt that this is not a reference to the authority itself.

Personal interests

21. It has been suggested that current wording of paragraph 8(1)(a) of the members' code could be amended to clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in his or her register of members' interests.

Prejudicial interests

22. It has been suggested that paragraph 10(2) of the code be amended to remove the double negative in the current drafting, to make it clear that a prejudicial interest exists where the business of your authority affects your financial position or the financial position of a person listed in paragraph 8 of the code or it relates to the determining of any approval, consent, licence, permission or registration in relation to you or those persons listed in paragraph 8 of the code.
23. It has been suggested that the meaning of 'determining' in paragraph 10(2)(b) could be clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications.
24. It has also been suggested that paragraph 10(2)(c) could be amended to clarify that a member would not have a prejudicial interest in the business of the authority where that business related to giving evidence before a local authority standards committee hearing regarding an allegation that a member of the authority had failed to comply with the code.

Registration of members' interests

25. We propose that any new members' code would take into account any existing registration of members' interests. This will ensure that members who have already registered their interests in line with the 2007 model code do not have to repeat the process when the revised members' code is introduced.

Consultation Question 6:

Do you think that the amendments to the members' code suggested above are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

Consultation Question 7:

Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

Consultation Question 8:

Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.

26. We propose that members will have two months from the date their authority adopts the new code to give a written undertaking that they will observe their authority's code. Failure to do so will mean that they cease to be members of the authority.

Consultation Question 9:

Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?

B Governments Proposed revisions to the General Principles

27. We propose that the Relevant Authorities (General Principles) Order 2001 be amended to make clear which principles govern the conduct of members when acting in an official capacity and which principles will apply to the conduct of members when acting in a non-official capacity, where the member's conduct would constitute a criminal offence.

28. We propose that the General Principles Order be amended by providing that the 10 existing principles apply to a member when acting in an official capacity and by adding a new principle which would be specified as applying to a member acting in an non-official capacity, where the member's conduct would constitute a criminal offence. We propose that the following be added to the Schedule of the Relevant Authorities (General Principles) Order 2001:

Duty to abide by the law

Members should not engage in conduct which constitutes a criminal offence.

Consultation Question 10:

Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

Definition of 'criminal offence' and 'official capacity'

29. Section 49 of the Local Government Act 2000 enables the Secretary of State to define what constitutes a 'criminal offence' and what constitutes 'official capacity' in the context of the General Principles Order. For the purposes of the revised General Principles Order, we propose that 'criminal offence' be defined as any conduct that has resulted in a criminal conviction.

Consultation Question 11:

Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?

30. We propose that for the purposes of the revised General Principles Order, 'official capacity' be defined as "being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority".

Consultation Question 12:

Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

C Governments Proposal for a Model Code of Conduct for local government employees

31. A code of conduct for local government employees (“employees’ code”) should provide the staff of an authority with an effective ethical framework within which to work and it should give that authority’s citizens confidence that an authority’s staff are working on their behalf in an appropriate manner.

Consultation Question 13:

Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees’ terms and conditions of employment, is needed?

The employees’ code in context

32. In August 2004, the (then) Office of the Deputy Prime Minister consulted on a model code of conduct for local government employees. Responses indicated that the model code of conduct consulted on was not adequate, but also that the universal application of a code to all staff would be needlessly bureaucratic as all employees would be subject to the same code regardless of their position. There was support for following the model of the Welsh code of conduct, which only applies to a certain category of defined senior officer. Alternatively, the code could be restricted to those who exercise executive, regulatory or overview and scrutiny powers under the authority’s scheme of delegation to officers.
33. Another view in response to the consultation paper was that certain aspects of the code (eg registration of interests), could be limited to senior officers while other more universal aspects should be applicable to all - for instance, it is beyond question that all employees should behave with honesty and integrity.
34. Many local authorities already have a code of conduct for employees in addition to, or part of, their standard terms and conditions of employment. These codes range from simple statements agreeing to act with propriety to comprehensive documents covering everything from political neutrality to intellectual property matters. These codes of conduct are also integrated into the authority’s discipline procedures.
35. It is not intended that the employees’ code be a burden on authorities or employees. The code should not constrain an authority’s ability to develop its own code reflecting local needs and conditions. We consider that authorities should be free to adopt supplementary provisions beyond the employees’ code in order to provide their staff with an effective ethical framework within which to work.

Application of the employees’ code

36. We propose that the employees’ code would apply to all relevant authorities and police authorities in Wales, as defined in Section 49 of the Local Government Act 2000. We are proposing that a model employees’ code - a model code that authorities may augment if they wish - be introduced, which

will be incorporated into local government employees' terms and conditions of employment.

37. However, we do not propose to apply the employees' code where it is not needed, for instance to employees in professions that are covered by their own code of conduct; firefighters, teachers, community support officers, solicitors etc.

Consultation Question 14:

Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?

Consultation Question 15:

Are there any other categories of employee in respect of whom it is not necessary to apply the code?

38. We propose a two-tier model. The first tier, drawing on the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, will apply equally to all authority employees and will enshrine the core values that it is reasonably expected every authority employee would abide by. The second tier, drawing on the members' code, will apply to 'qualifying employees', that is; either senior officials or those officials carrying out delegated functions.

39. With the members' code in place, and members having to abide by that code, there is a reasonable expectation that officials undertaking functions delegated to them by members would have to abide by the same conduct regime as members when performing those functions.

Proposed core values for all employees

General principles

40. The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

41. Employees are accountable, and owe a duty to, their employing authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

42. Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Relations with members, the public and other employees

43. Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias.

Equality

44. Employees must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

Stewardship

45. Employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

46. An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.
47. Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person or body seeking to do business with the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by their authority.

Whistleblowing

48. Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the model code of conduct for employees, the employee should report the matter, acting in accordance with the employees rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

Treatment of Information

49. Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Appointment of staff

50. Employees of the authority, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Investigations by monitoring officers

51. Where a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

Consultation Question 16:

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

Beyond the core values -Who are the 'qualifying employees'?

52. There are two alternatives for selecting those 'qualifying employees' to which, in addition to the core values of the employees' code, some of the restrictions and expectations of the members' code should apply.
53. The first is based on the approach taken to determining which posts in an authority are 'politically restricted' under section 3 of the Local Government and Housing Act 1989, and assumes that certain posts are senior or influential enough to warrant controls placed on the activities of postholders. Certain posts would be designated as qualifying employees.
54. The second is the delegation model, which would see qualifying employees selected on the basis that they perform functions delegated to them by elected members under section 101 of the Local Government Act 1972.

Consultation Question 17:

Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?

The model employees' code: values for qualifying employees

Compromising the impartiality of officers of the authority

55. A qualifying employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

Using your position improperly

56. A qualifying employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

Considering advice provided to you and giving reasons

57. If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the qualifying employee must have regard to this advice.

Personal interest

58. Qualifying employees must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the authority's monitoring officer or, in the case of a parish council, through the parish clerk.

59. The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

60. These are:

- Your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company you have an interest in, as above.
- Any land or property in the authority's area in which you have a beneficial interest.

61. A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with their monitoring officer.

Consultation Question 18:

Should the code contain a requirement for qualifying employees to publicly register any interests?

Consultation Question 19:

Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

Prejudicial interest

62. A prejudicial interest is considered to be a matter which affects the qualifying employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.
63. A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.
64. Qualifying employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

Consultation Question 20:

Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code. Have any been omitted?

Consultation Question 21:

Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

Contractors, partners and part time staff

65. Local authorities have an increasingly complex relationship with the private sector in its work with contractors, partners and part time staff. We consider that rather than attempt to determine centrally when and when not to apply the employees' code not just to local government employees, but those working on behalf of local government, it will be for local authorities themselves to decide, in agreeing contracts, partnership agreements or terms and conditions of employment, if and how the employees' code, in whole or in part, should apply.

Parish councils

66. The members' code applies to parish councillors as well as members of larger authorities, and it seems reasonable therefore for the ethical framework of the employees' code to apply to parish council employees. We recognise that the environment that parish councillors operate within is different to that of larger authorities and are conscious that what is considered to be a reasonable expectation in the employees' code for larger councils, may prove to be difficult for parish councils.

67. That being the case, we would welcome responses from parish councils on any particular aspect of the employees' code that might present difficulties and how those difficulties could be overcome.

Consultation Question 22:

Should the employees' code extend to employees of parish councils?

Legislative context

68. Section 82(7) of the Local Government Act 2000, provides that the provisions of a code made under section 82(1) of that Act will be deemed to be incorporated in employees' terms and conditions of employment.

DAVID CARTER
Strategic Director of
Performance and
Development

Shire Hall
Warwick

27 October 2008

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Agenda No 4

Audit & Standards Committee - 18 November 2008.

Local Assessment Procedure

Report of the Strategic Director of Performance and Development

Recommendation

That the Committee approves the process

Introduction

This paper seeks to confirm the process to be adopted in the handling of complaints under the member code of conduct in the light of experience of handling our first complaint and to ensure there is clarity over the process and expectations around Assessment and Review Sub-Committees.

As the Committee is aware the purpose of the initial assessment decision or review is simply to decide whether any action should be taken on the complaint either as an investigation or some other action. The assessment and review sub-committees make no findings of fact.

The Monitoring Officer has an administrative discretion to acknowledge a complaint. When a complaint is addressed to the authority's monitoring officer, the monitoring officer should determine whether the complaint should be directed to the assessment sub-committee or whether another course of action is appropriate. If the complaint is clearly not about member conduct, then the monitoring officer does not have to pass it to the assessment sub-committee.

The attached Appendix 'Warwickshire Local Assessment Process in Practice' explains in more detail the process to be undertaken following receipt of a complaint.

DAVID CARTER
Strategic Director of
Performance and
Development

Shire Hall
Warwick
03 November 2008

Warwickshire Local Assessment Process in Practice

- 1) On receipt of a complaint about a member the Monitoring Officer will determine whether or not it relates to the Member code of conduct.
- 2) If the complaint appears to relate to the Member code of conduct then arrangements will be made for an Assessment Sub-committee to meet (normally within 20 working days of receipt of the complaint).
- 3) The Monitoring Officer will normally acknowledge receipt of a complaint within 5 working days and advise the complainant whether the matter will be dealt with by the Assessment sub-committee.
- 4) The Monitoring Officer will normally tell the subject member that a complaint has been made about them, the name of the complainant and the potential provisions of the code to which the complaint relates unless the complainant has requested confidentiality. In the latter circumstance it will be for the Assessment Sub-Committee when it meets to decide what information should be released.
- 5) No further details about the complaint will be released to the subject member at this stage as it is the Assessment Sub-committee which is authorised to release a summary of the complaint not the Monitoring Officer.
- 6) No pre-investigation will be undertaken by the Monitoring Officer in relation to a complaint except for obtaining copies of readily accessible information such as minutes of meetings, copies of interest registers if relevant to the complaint.
- 7) The papers for the Assessment Sub-committee will be sent only to the members of the sub-committee dealing with the matter and officers advising the sub-committee. The papers are confidential and are not accessible to other members or the public. Only the members of the Assessment Sub-committee and officers supporting the sub-committee will be present at the meeting.
- 8) The Assessment Sub-Committee will need to carefully examine the information provided by the complainant together with any 'readily accessible information' provided by the Monitoring Officer to assess whether or not there might be a potential breach of the code. In the case of a Review sub-Committee the decision of the Assessment Sub-committee will also be available. The Assessment/Review Sub-Committee will need to decide in the light of the Standards Board guidance and the local assessment criteria adopted by the Audit and Standards Committee whether or not to
 - 1) refer the matter for investigation to the Standards Board for England or
 - 2) refer the matter to the Monitoring Officer for investigation or
 - 3) refer the matter to the Monitoring Officer for other action or
 - 4) take no further action

- 9) A more detailed advice note on the approach to be taken by the Assessment/Review Sub-Committee is attached as Annex 1.
- 10) Following the meeting of the sub-committee a Decision Notice will be drafted setting out -
 - the main points considered
 - the conclusions on the complaint
 - the reasons for the conclusion
- 15) The Decision Notice once approved by the sub-committee and signed by the Chair will be sent to the complainant, the subject member and if appropriate any parish/town council of which the subject member is a member.
- 16) Where the Assessment Sub-committee has decided to take no further action the complainant has a right to request a review of that decision within 30 days of the date on the Decision Notice.
- 17) The Council will aim to deal with any request for review of a decision to take no further action within 20 working days (and no later than 3 months) from receipt of the request for review.
- 18) A written summary of the Assessment Sub-Committee/Review Sub-Committee will be made available for public inspection. The summary will include
 - the date, place of meeting and membership of the sub-committee
 - the main points considered
 - the conclusions on the complaint
 - the reasons for the conclusion
- 15) The summary will not name the complainant or the member concerned unless the Assessment/Review Sub-Committee considers it in the public interest to do so. This might be the case where there has already been significant publicity about the complaint, with individuals named in advance of the Sub-Committee meeting.
- 16) Where there is a referral for other action there is no right to request a review of the decision. The Monitoring Officer will normally report to the Audit and Standards Committee on the action which has been taken in relation to a referral for action within 3 months of the Decision.

Access to the original complaint documentation by the subject member following a decision of the Assessment Sub-Committee or Review Sub-Committee:

- 17) Where a complaint has been referred for investigation the original complaint papers will remain confidential. The investigator will determine the appropriate point at which any papers should be disclosed.

- 18) Where a complaint has been referred for other action to the Monitoring Officer the subject member will normally be allowed to view the original complaint papers unless
 - (a) the complainant has requested confidentiality and/or
 - (b) the Monitoring Officer considers some or all of the papers should be withheld.

- 19) Where the final decision is to take no further action the subject member will normally be allowed to view the original papers following the outcome of any review (or if none the expiry period for requesting a review) unless
 - (a) the complainant has requested confidentiality and/or
 - (b) the Monitoring Officer considers some or all of the papers should be withheld.

- 20) Where a complainant has requested confidentiality but the Assessment or Review Sub-committee does not consider that the request has been substantiated, the complainant will normally be offered the opportunity to withdraw their complaint.

- 21) However complainants are advised (in the complaint form) that where the matter complained of is very serious the Assessment or Review Sub-committee may decide to investigate the complaint or take other action and disclose the name of the complainant even though he/she has requested confidentiality.

Access to meetings and decision making

Initial assessment decisions, and any subsequent review of decisions to take no further action on a complaint, **must be conducted in closed meetings**. These are not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1972.

Such meetings may have to consider unfounded and potentially damaging complaints about members, which it would not be appropriate to make public. As such, a standards committee/sub-committee undertaking its role in the assessment or review of a complaint is not subject to the following rules:

- _ rules regarding notices of meetings
- _ rules on the circulation of agendas and documents
- _ rules over public access to meetings
- _ rules on the validity of proceedings

Members should not discuss the complaint with anyone other than the other members of the Assessment/Review Sub-Committee or the officers supporting the sub-committee.

Regulation 8 of the Standards Committee Regulations sets out what must be done **after the assessment or review sub-committee has considered a complaint.**

The new rules require a written summary to be produced which must include:

- the main points considered
- the conclusions on the complaint
- the reasons for the conclusion

The summary must be written having regard to this guidance and may give the name of the subject member unless doing so is not in the public interest or would prejudice any subsequent investigation. The written summary must be made available for the public to inspect at the authority's offices for six years and given to any parish or town council concerned.

The summary does not have to be available for inspection or sent to the parish or town council until the subject member has been sent the summary.

In limited situations, an assessment/review sub-committee can decide not to give the written summary to the subject member when a referral decision has been made and, if this is the case, authorities should put in place arrangements which deal with when public inspection and parish or town council notifications will occur. This will usually be when the written summary is eventually given to the subject member during the investigation process. In addition, authorities must have regard to their requirements under Freedom of Information and Data Protection legislation.

Only the standards committee/assessment sub-committee has the power, under Section 57C(2) of the Local Government Act 2000, as amended, to give a written summary of the allegation to a subject member.

Warwickshire County Council –Published Assessment Criteria

When we receive a complaint our initial questions are

- Is there a prima facie evidence of a code breach?
- Would investigation serve any useful purpose?
- Would an alternative route to investigation provide a more effective resolution? Is there scope for mediation, brokering, apology etc?
- Is the case suitable for local investigation?

Which complaints will we refer for investigation?

We decide that a matter should be investigated when we believe it meets one of the following criteria:

- it is serious enough, if proven, to justify the range of sanctions available to our Audit & Standards Committee or the Adjudication Panel for England
- it is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it, short of investigation
- in considering this, we will take into account the time that has passed since the alleged conduct occurred

Which complaints are we unlikely to refer for investigation?

We are unlikely to decide that a complaint should be investigated if it falls into any of the following categories:

- we believe it to be malicious, relatively minor, or tit-for-tat
- the same, or substantially similar, complaint has already been the subject of an investigation or inquiry and there is nothing further to be gained by seeking the sanctions available to our committee or the Adjudication Panel
- the complaint concerns acts carried out in the member's private life, when they are not carrying out the work of the authority or have not misused their position as a member
- it appears that the complaint is really about dissatisfaction with a council decision
- there is not enough information currently available to justify a decision to refer the matter for investigation
- except in the most serious of cases, conduct which might have been in breach of the original Code but would not be considered to be a breach of the revised Code of Conduct we adopted in May 2007

Standards Board Guidance

Initial tests

1. Before assessment of a complaint begins, the assessment sub-committee should be satisfied that the complaint meets the following tests:
 - it is a complaint against one or more named members of the authority or an
 - authority covered by the standards committee
 - the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
 - the complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct
2. If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.
3. Local Assessment criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for both the complainant and the subject member. Assessing all new complaints by established criteria will also protect the committee members from accusations of bias. Assessment criteria can be reviewed and amended as necessary but this **should not** be done during consideration of a matter.
4. Authorities need to take into account the public benefit in investigating complaints which are less serious, politically motivated, malicious or vexatious.

Some useful questions

5. **Q: Has the complainant submitted enough information to satisfy the assessment sub-committee that the complaint should be referred for investigation or other action?**

If the answer is **no**: "The information provided was insufficient to make a decision as to whether the complaint should be referred for investigation or other action. So unless, or until, further information is received, the assessment sub-committee is taking no further action on this complaint."

6. **Q: Is the complaint about someone who is no longer a member of the authority, but is a member of another authority? If so, does the assessment sub-committee wish to refer the complaint to the monitoring officer of that other authority?**

If the answer is **yes**: "Where the member is no longer a member of our authority but is a member of another authority, the complaint will be referred to the standards committee of that authority to consider."

7. Q: Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?

If the answer is **yes**: “The matter of complaint has already been subject to a previous investigation or other action and there is nothing more to be gained by further action being taken.”

8. Q: Is the complaint about something that happened so long ago that there would be little benefit in taking action now?

If the answer is **yes**: “The period of time that has passed since the alleged conduct occurred was taken into account when deciding whether this matter should be referred for investigation or further action. It was decided under the circumstances that further action was not warranted.”

9. Q: Is the complaint too trivial to warrant further action?

If the answer is **yes**: “The matter is not considered to be sufficiently serious to warrant further action.”

10. Q: Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

If the answer is **yes**: “The matter appears to be simply malicious, politically motivated or tit-for-tat, and not sufficiently serious, and it was decided that further action was not warranted”. The assessment criteria that the standards committee adopts should be made publicly available.

Initial assessment decisions

11. The assessment sub-committee should complete its initial assessment of an allegation within an average of 20 working days, to reach a decision on what should happen with the complaint. The assessment sub-committee is required to reach one of the three following decisions on a complaint about a member’s actions in relation to the Code of Conduct:

- referral of the complaint to the monitoring officer of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority
- referral of the complaint to the Standards Board for England
- no action should be taken in respect of the complaint

12. New rules have been made about what the assessment sub-committee must do when a decision has been made. Please see the section on **Access to meetings and decision making** on **page 22** for further information.

13. The time that the assessment sub-committee takes to carry out its initial assessment of a complaint is key in terms of being fair to the complainant and the subject member. It is also in the public interest to make a timely decision within an average of 20 working days. The assessment sub-committee should therefore aim to achieve this target wherever possible.

Referral for local investigation

14. When the assessment sub-committee considers a new complaint, it can decide that it should be referred to the monitoring officer for investigation. The monitoring officer must write to the relevant parties informing them of the decision and, if appropriate, advising who will be responsible for conducting the investigation.

Referral to the Standards Board for England

15. In most cases, authorities will be able to deal with the investigation of complaints concerning members of their authorities and, where relevant, the parish and town councils they are responsible for. However, there will sometimes be issues in a case, or public interest considerations, which make it difficult for the authority to deal with the case fairly and speedily. In such cases, the assessment sub-committee may wish to refer a complaint to the Standards Board to be investigated by an ethical standards officer.
16. If the assessment sub-committee believes that a complaint should be investigated by the Standards Board, it must take immediate steps to refer the matter. It would be helpful if the assessment sub-committee let us know the paragraph or paragraphs of the Code of Conduct that it believes the allegation refers to and the reasons why it cannot be dealt with locally.
17. We may accept cases for investigation by an ethical standards officer, take no action, or refer cases back to the standards committee which referred them. When deciding which of these actions to take, we will be principally concerned with supporting the ethical framework nationally and locally.
18. We will take the following matters into account in deciding which cases we should accept in the public interest:
 - a) Does the standards committee believe that the status of the member or members, or the number of members about whom the complaint is made, would make it difficult for them to deal with the complaint? For example, is the member a group leader, elected mayor or a member of the authority's cabinet or standards committee?
 - b) Does the standards committee believe that the status of the complainant or complainants would make it difficult for the standards committee to deal with the complaint? For example, is the complainant a group leader, elected mayor or a member of the authority's cabinet or standards committee, the chief executive, the monitoring officer or other senior officer?
 - c) Does the standards committee believe that there is a potential conflict of interest of so many members of the standards committee that it could not properly monitor the investigation?
 - d) Does the standards committee believe that there is a potential conflict of interest of the monitoring officer or other officers and that suitable alternative arrangements cannot be put in place to address the conflict?
 - e) Is the case so serious or complex, or involving so many members, that it cannot be handled locally?
 - f) Will the complaint require substantial amounts of evidence beyond that available from the authority's documents, its members or officers?

- g) Is there substantial governance dysfunction in the authority or its standards committee?
- h) Does the complaint relate to long-term or systemic member/officer bullying which could be more effectively investigated by someone outside the authority?
- i) Does the complaint raise significant or unresolved legal issues on which a national ruling would be helpful?
- j) Might the public perceive the authority to have an interest in the outcome of a case? For example if the authority could be liable to be judicially reviewed if the complaint is upheld.
- k) Are there exceptional circumstances which would prevent the authority or its committee investigating the complaint competently, fairly and in a reasonable period of time, or meaning that it would be unreasonable for local provision to be made for an investigation?

19. We will normally inform the monitoring officer within ten working days whether we will accept a case or whether we will refer it back to the standards committee, with reasons for doing so. There is no appeal mechanism against our decision.

Referral back to a standards committee from the Standards Board for England

20. If we decline to investigate a complaint referred to us, we will normally send it back to the authority's standards committee with the reasons why. The standards committee must then decide what action should be taken next.

21. The assessment sub-committee must again take an assessment decision and should complete this within an average of 20 working days. This may be a decision not to take any further action, to refer the matter for local investigation, or to refer the matter for some other form of action. As the assessment sub-committee initially decided that the matter was serious enough to be referred to the Standards Board for investigation, it is likely that it will still think that it should be investigated.

22. However, if the circumstances of the complaint have changed since the assessment sub-committee's original decision, it may be reasonable to take a different decision. This decision will again need to be communicated to relevant parties in the same way as the original decision was.

23. If we decline to investigate a case referred to us, we may, in the circumstances, offer guidance or give a direction to the standards committee, which may assist with the standards committee's decision.

24. In exceptional circumstances, we may decide to take no further action on a complaint referred to us by a standards committee. This is likely to be where circumstances have changed so much that there would be little benefit arising from investigation or other action, or because we do not consider that the complaint discloses a breach of the Code of Conduct.

Referral for other action

25. When the assessment sub-committee considers a new complaint, it can decide that other action to an investigation should be taken and it can refer

the matter to the monitoring officer to carry this out. It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The assessment sub-committee must consult its monitoring officer before reaching a decision to take other action.

26. The suitability of other action is dependent on the nature of the complaint. Certain complaints that a member has breached the Code of Conduct will lend themselves to being resolved in this way. They can also indicate a wider problem at the authority concerned. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way to resolve matters that are less serious. Other action can be the simplest and most cost effective way of getting the matter resolved, helping the authority to work more effectively, and of avoiding similar complaints in the future.
27. The assessment sub-committee can choose this option in response to an individual complaint or a series of complaints. The action decided upon does not have to be limited to the subject member or members. In some cases, it may be less costly to choose to deal with a matter in this way rather than through an investigation, and it may produce a more effective result.
28. It is not possible to set out all the circumstances where other action may be appropriate, but an example is where the authority to which the subject member belongs appears to have a poor understanding of the Code and authority procedures. Evidence for this may include:
 - a number of members failing to comply with the same paragraph of the Code
 - officers giving incorrect advice
 - failure to adopt the Code
 - inadequate or incomplete protocols for use of authority resources
29. Other action may also be appropriate where a breakdown in relationships within the authority is apparent, evidence of which may include:
 - a pattern of allegations of disrespect, bullying or harassment
 - factionalised groupings within the authority
 - a series of 'tit-for-tat' allegations
 - ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures

AGENDA MANAGEMENT SHEET

Name of Committee **Audit & Standards Committee**

Date of Committee **18th November 2008**

Report Title **Health & Safety Annual Report**

Summary To present a copy of the County Council's Health and Safety Annual Report for 2007/2008.

For further information please contact: Colin Jones
Health & Safety Manager
Tel: 01926 412134

Would the recommended decision be contrary to the Budget and Policy Framework? No

Background papers None

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members
- Cabinet Member
- Chief Executive
- Legal
- Finance
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION

SUGGESTED NEXT STEPS: Details to be specified

Further consideration by
this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No

Audit & Standards Committee – 18th November 2008 Health and Safety Annual Report 2007/2008

Report of the Strategic Director of Performance & Development

Recommendation

That Members of the Committee receive a copy of the Health and Safety Annual Report for 2007/2008 and note the issues raised

1. Introduction

At the meeting of this Committee on the 16th June 2008 Members requested a copy of the Health and Safety Annual Report for 2007/2008. A copy of the report is attached at Appendix A.

2. Issues for consideration

2.1 The annual report provides a position statement on the management of health and safety across the County Council and a summary of key health and safety activities between 1st April 2007 and 31st March 2008.

2.2 The report sets out the specific arrangements for the management of health and safety both corporately and within the six directorates, a summary of developments over the last year, performance against key targets over the year and key priorities for 2008/2009.

2.3 Members will be aware that health and safety arrangements were subject to a specific internal audit in March 2008 the outcomes and recommendations of which are set out in section 4.4 of the report. A verbal update on progress against these recommendations can be provided at the Committee meeting.

2.4 Of particular note within the report are the following issues:-

- The 5.24 decrease in accident statistics over the year
- The increased focus placed on performance against key targets
- The outcomes of the Staff Survey in relation to health and safety
- The improvement in health and safety as reflected in the internal audit
- The specific developmental recommendations from the internal audit
- The wider focus on health and well-being
- Priorities for 2008/2009

2.5 The views of Members on the report and the health and safety arrangements in general are welcomed.

DAVID CARTER,
Strategic Director of Performance and Development
Shire Hall, Warwick
27th October 2008

WARWICKSHIRE COUNTY COUNCIL

HEALTH AND SAFETY ANNUAL REPORT

2007/8

Report Prepared by:

**Colin Jones CMIOSH, RSP
Corporate Health and Safety Officer**

*Working for
Warwickshire*



HEALTH AND SAFETY ANNUAL REPORT – 2007/2008

CONTENTS

	SECTION	PAGE
1.0	Introduction	3
2.0	Management of Health and Safety in Warwickshire	3
3.0	Summary of Developments during 2007/2008	4
	3.1 General	4
	3.2 New Legislation	4
	3.3 Increased focus on performance	5
4.0	Performance during 2007/2008	5
	4.1 Performance against key targets	5
	4.2 Accident Statistics	6
	4.3 Staff Survey Results	7
	4.4 Audit Outcomes	7
	4.5 DSE Assessments	8
	4.6 Policy Development	8
	4.7 Health and well-being	9
	4.8 Training	
5.0	Directorate Summaries	10
6.0	Priorities for 2008/2009	10
	Appendices	
	A Health and Safety Competent Officers	11
	B Directorate Performance Against Targets	12
	C Health and Safety Five Year Targets	13
	D Accident Statistics by Person Type	14
	E Accident Statistics by Type	15
	F RIDDOR reportable accidents	16
	G Directorate Summaries	17

1.0 INTRODUCTION

- 1.1. The Corporate Health and Safety Officer has compiled this report in order to provide an annual position statement on the management of health and safety within the County Council. The report summarises the health and safety activities within the Authority from 1st April 2007 to the 31st March 2008.

2.0 MANAGEMENT OF HEALTH AND SAFETY IN WARWICKSHIRE

- 2.1 The Management of Health and Safety Regulations require employers to appoint competent persons to ensure strong health and safety practice. Within Warwickshire this is achieved through the professional leadership of a Corporate Health and Safety Officer and an additional 20 Health and Safety staff within the Council's six Directorates.
- 2.2 Each Directorate has a competent lead officer for health and safety with a reporting line to their own Strategic Director and with professional guidance from the Corporate Health and Safety Officer. The lead officers ensure a regular programme of directorate workplace inspections. The current list of competent persons is set out in Appendix 1.
- 2.3 The County Council has delegated operational responsibility for health & safety to the Corporate Health and Safety Officer. This responsibility includes reviewing and interpreting new legislation to determine its effect on corporate policy and co-ordinating the management of good health and safety practice through the Directorate leads.
- 2.4 The Corporate Health and Safety Officer chairs a health and safety co-ordinators meetings with all competent staff on a bi-monthly basis. This ensures a corporate approach to health and safety, a shared approach to policy development and the exchange of good practice.
- 2.5 In addition to the health and safety co-ordinators meeting, a number of key development groups have been set up to provide a focus on key policy and performance issues. The groups are as set out below:

Development Groups	
Policy Development	Communications
Health and Safety Training	TIMS/Assessrite
Health & Safety Updates	Inspection & Audit
Performance / Accident Reporting	Personal Safety
COHSS	Stress and Mental Well-Being

- 2.6 As part of the Council's New Ways of Working Programme in 2006 it was agreed that all directorate/service policies should be reviewed and brought together under a single policy framework. In accordance with this a single policy has now been agreed and accepted by all directorates (see Appendix B). Directorates are currently developing the "arrangements" section which will be specific to each service area.

- 2.7 The County Council have a well established Health and Safety Joint Consultative Committee (JCC) to share information with representatives of the recognised trade unions. The working arrangements of the JCC has recently been reviewed and the membership expanded to include the teaching unions. The group continues to be effective in relation to the development of corporate policies and the management of joint health and safety workplace inspections.
- 2.8 An important part of the management of health and safety is the process of cross directorate auditing. A lead Health and Safety Officer from one Directorate audits the health and safety management arrangements of another. The recommendations then inform the action plan for that appropriate Directorate. The process of cross directorate auditing takes place on a bi-yearly basis.

3. SUMMARY OF DEVELOPMENTS DURING 2007/2008

3.1 General

- 3.1.1 It has been a busy but ultimately a very productive year for the health and safety team across the County Council. The health and safety officers have worked well together to respond to corporate and directorate challenges, to place a greater emphasis on performance and to ensure a “One Warwickshire” approach to health and safety support. There has been a reduction in the total number of accidents reported for the sixth consecutive year and an increased number of workplace inspections.

3.2 New Legislation

- 3.2.1 There have been two items of new legislation introduced during 2007/8 affecting the County Council: -

Construction (Design and Management) Regulations 2007 (CDM 2007)

- 3.2.2 The CDM 2007 Regulations came into force on 6th April 2007 replacing the 1994 Regulations. The most significant change is that there is now only one construction regulation combining the planning element of CDM and the on site duties of the Construction (Health, Safety and Welfare) Regulations 1996. The regulations identify specific duties for Client, CDM Co-ordinator, Designer, Principal Contractor and Contractors. The County Council has adopted the changes and Property Resources have appointed an additional CDM Co-ordinator.

Corporate Manslaughter & Corporate Homicide Act 2007

- 3.2.3 The Corporate Manslaughter & Corporate Homicide Act 2007 came into effect in April 08. The legislation provides a more effective means of prosecuting organisations that fail to manage health and safety properly and where gross failures result in a person's death. The County Council is currently undertaking an assessment of our processes for managing health and safety within each directorate in order to respond to the new Act. This assessment

will measure our existing processes and procedures against OHSAS 18001 which is the internationally recognised management standard.

3.3 Increased focus on performance

3.3.1 Over the last year a series of health and safety performance standards and targets have been introduced. The targets relate to health and safety training, accident investigations, risk assessments and outcomes from workplace assessments. The health and safety officers have collated the first year's statistics during 2007/8 and have set subsequent targets for the next five years. A copy of the performance targets and standards can be found at section 4.

4.0 PERFORMANCE DURING 2007/2008

4.1 Performance against key targets

4.1.1 In 2006/7 the Health and Safety Policy Group agreed a series of targets and standards to guide general health and safety performance. The following tables provide details of both the targets and achievement against them in the last two years.

TARGETS	Target 2007/2008	WCC % Performance
New managers to attend health and safety management training within 6 months of start date	94%	90%
Reduction in the number of employee F2508 accidents reported	7%	19%
Accident investigations carried out for all of above and copy to Corporate Health & Safety Officer.	100%	89%
Reduction in relevant accident category within each directorate (directorate to identify category)	14%	49%
List of risk assessments to be completed in each directorate	100%	100%
Risk assessments to be completed in each directorate	25%	58%
Scheduled workplace inspections completed	93%	89%
Outcome of workplace inspections to be set out in Directorate health and safety action plans	100%	100%

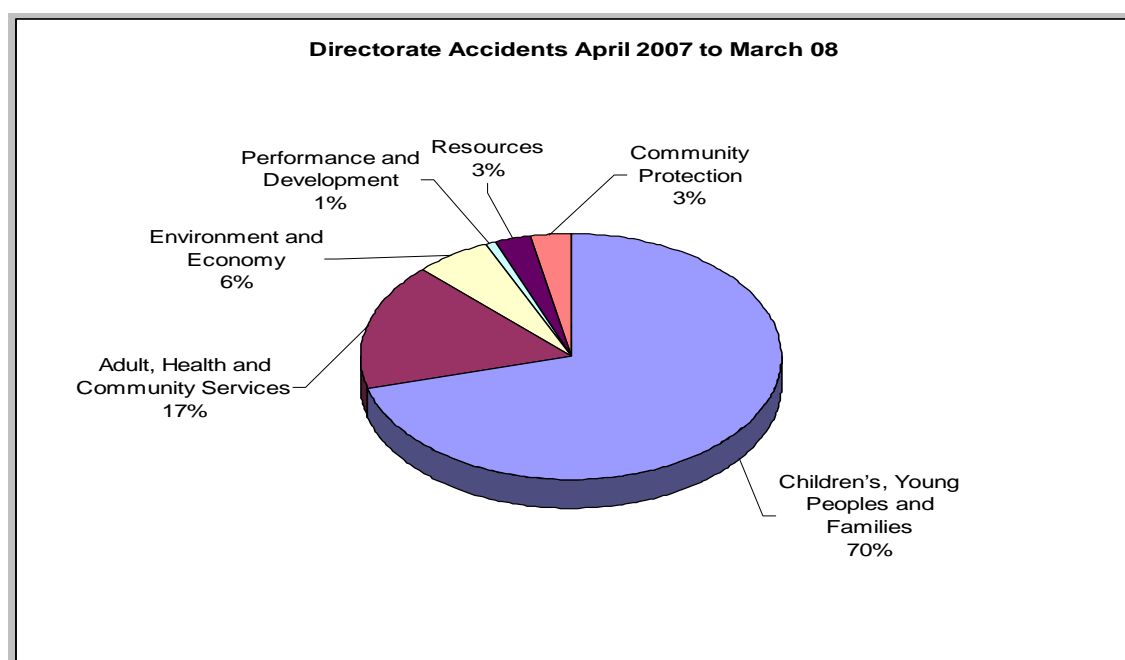
Action of recommendations from workplace inspections (within 12 months)	80%	94%
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4.1.2 A breakdown of Directorate performance against the above targets is set out in Appendix B

4.2 Accident Statistics

4.2.1 During 2007/2008 there was 112 less reported accidents across the County Council, which is a 5.24% reduction on the figures reported in 2006/2007.

Directorate	2006/7	2007/8
Children's, Young Peoples and Families	1390	1384
Adult, Health and Community Services	408	325
Environment and Economy	103	115
Performance and Development	26	13
Resources	61	58
Community Protection	77	58
Total	2065	1953



4.2.2 Approximately 45% of the reported accidents related to employees of the Council, 37% pupils within schools and 9% to members of the public. A further breakdown of the "person type" of accidents is given in Appendix D.

4.2.3 Despite the apparently high number of some reported accidents, the underlying picture remains one of a largely low risk organisation. The areas of most concern relate to the number of accidents resulting from slips, trips and falls (34%), hit by a moving or flying object (17%) and verbal or physical assaults (16%). The figures in these categories have reduced since the previous year but

clearly need to be monitored carefully and improvements sought. A full breakdown of the types of accident is given in Appendix E.

4.3 Staff Survey Results

4.3.1 The results of this year's staff survey indicate an improvement in employee confidence levels in the health and safety function. This is measured by question 38 of the survey "**health and safety is taken seriously in the County Council**". Whilst this is not a "hard" measure of performance, it is clearly pleasing, particularly as it represents a third consecutive yearly improvement.

% of respondent across the Council – over last three years		
2005	2006	2007
77%	78%	81%

% of respondents within Directorates					
AHCS	CYPF	CP	EED	PD	RE
81%	74%	75%	83%	89%	89%

4.4 Audit Outcomes

4.4.1 An audit of health and safety arrangements was carried out in 2007/2008 by the Council's Internal Audit Section. This review was a follow up to the corporate health and safety review undertaken by audit during 2005.

4.4.2 The objective of the audit was to provide an opinion on the Health and Safety arrangements in place throughout the authority. This included reviewing the Corporate function and the arrangements in a sample of three directorates. The three Directorates to be included within the audit were Adult Health and Community Services, Community Protection and Resources.

4.4.3 The audit examined the procedures, controls and supporting documentation to determine whether directorate arrangements comply with the Council's Health and Safety Policy. The audit also looked at the role and responsibilities of the Corporate Health and Safety Officer.

4.4.4 In summary, the audit indicated that corporate arrangements for health and safety had improved since the previous review and the arrangements for managing health and safety within the three directorates were generally satisfactory. The audit did note that the Corporate Health and Safety Officer had no regulatory powers over issues identified within Directorates and therefore limited means of enforcing Directorate recommendations made either by audit, or through the bi-annual audits carried out by Health and Safety Directorate staff.

4.4.5 The report concluded that the level of assurance provided by controls for this audit area is moderate (i.e. evidence of a sound system of control with some weaknesses and areas of non-compliance).

4.4.6 As a result of the audit action plans have been developed both corporately and within the three Directorates to ensure implementation of the recommendations. Actions to include: -

- Formalising the role of Health and Safety officers carrying out independent bi-annual audits to clearly identify their involvement and responsibility
- Establishing a formal process to follow up on the action plans arising from the independent bi-annual audits to ensure that appropriate actions are completed within the agreed timescales.
- Ensuring that Health and Safety officers receive copies of all internal inspection reports carried out in their Directorates to enable them to follow up on the issues raised and to ensure that remedial action has been taken
- Compilation of a corporate risk assessment database to facilitate easier action and reduce the possibility of duplication
- Investigating whether the reporting capability of the Corporate Accident Recording System can be improved or whether a more appropriate corporate system for the recording and reporting of accidents can be acquired.

4.4.7 A full copy of the internal audit report is available from Warwickshire Audit.

4.5 Display Screen Equipment Assessments

4.5.1 The Assessrite System was introduced in 2005 following an audit by the Health & Safety Executive. This system was introduced to ensure that the County Council can meet the legal obligation under the Display Screen Equipment regulations. Since the introduction of the system over 3,000 employees have received on-line workstation assessments.

4.5.2 A new version of the system is shortly to be launched in the Community Protection, Resources and Performance and Development Directorates with full implementation planned for the end of 2008. This version will allow for improved reporting of issues to managers and Directorate Health & Safety teams.

4.6 Policy Development

4.6.1 A number of corporate policies have been developed which have been adopted within all Directorates during 2007/2008 and under one corporate policy framework. This process signifies a significant change in the management of health and safety and a move towards a "One Warwickshire" approach.

4.6.2 The policies which have been introduced to revised during 2007/8 have included:

- Manual Handling
- Stress & Worklife Balance
- CDM (Construction Design and Management)
- Public Events

- Personal Safety
- Home Working (Modern ways of working)

4.7 Health & Well-being – developing a healthy, safe workforce

- 4.7.1 Within the County Council, since 2005, the number of days reported to Resources and Performance & Development Overview and Scrutiny Committee due to sickness and absence has been steadily reducing. This results in considerable financial savings for the County Council. Whilst the overall trend remains downwards, the Council cannot afford to be complacent and must continue to progress the health and well-being agenda and strive to maintain the health of its employees.
- 4.7.2 Critical to this is the need to promote health, safety and well being and provide support and early intervention for those who develop a health condition whilst at work. Since 2006, a wide range of interventions have been developed such as Employee Lifestyle and Health checks, health awareness events and workshops, opportunities for physical activity, together with building and maintaining effective information channels such as MyTime. The contribution of these initiatives towards positive attendance management will continue to be measured over the next year.
- 4.7.3 Improvements in performance management and management information within Directorates have facilitated a more targeted and positive approach to attendance management.
- 4.7.4 The Promoting Well-being@Work Study is a study with the University of Warwick Medical School. This study began in 2007 and is acting as a catalyst for further integration of the above components within the organisation. The Reference Group steering the study involves cross directorate representatives, HR, Unions, the Corporate Health and Safety Officer and the Healthy Workforce Co-ordinator.
- 4.7.5 The Study has involved collaborative work across disciplines and directorates and in order to embed health and well-being into all aspects of managing people, review and improve absence management processes and provide better signposting information for all health, safety and well-being support services for all employees. This study will be completed at the end of 2008 with the research data and findings ready in Spring 2009.

4.8 Training

- 4.8.1 All Directorate Health and Safety Officers have been involved in the delivery of various health and safety courses within their directorate. The details of which can be found within the directorate summaries.
- 4.8.2 A significant strategy change occurred in 2006 with corporate agreement to make both the Management of Health and Safety Training and attendance on Risk Assessment workshops compulsory for all managers. The internal audit report has identified the need to improve record keeping in all Directorates to ensure the accurate measurement of this key standard

4.8.3 The Health and Safety Training Group are currently redeveloping the training material and methodology in relation to the above to ensure relevance and accessibility. The new material will be used in the training programme planned for 2009.

5. DIRECTORATE SUMMARIES

5.1 Each Directorate Health and Safety Officer has prepared an annual report on the management of health and safety within their respective Directorate. Each report has been presented to the Strategic Director at SDMT meeting prior to inclusion in this report. A summary of all issues/developments within all Directorates is given in Appendix G. A full copy of each Directorate report is available from the Corporate Health and Safety Officer on request.

6. PRIORITIES FOR 2008/2009

6.1 It remains pleasing that confidence in the Health and Safety function is continuing to improve and that accident statistics are reducing year on year. However, there is further work being done to assess our standard in line with OHSAS 18001. A summary of key priorities for 2008/2009 is set out below:-

Priorities 08/09	Date
Provide an ongoing Health and Safety training programme tailored to individual directorates. Section 4.8.3	Jan 2009
The corporate health and safety officer will continue to ensure that wherever possible a uniform approach is taken to the management of health and safety within all departments Section 4.6.1	On going
Implement the finding of the Warwickshire Audit of Health and Safety function as detailed within section 4.4.5	Sept 2009
Directorates will be continuing to improve on the numbers of specific risk assessments being undertaken	Dec 2009
To launch the intranet pages for Health and Safety which will include all completed directorate risk assessments and all Corporate Policies	Oct 2008
Complete the new accident recording project which will provide more detailed data analysis and statistical information	April 2009
Launch workrite into three directorates in phase one and county wide in phase 2	Nov 2008
To establish a stress and mental well-being group to develop a corporate strategy and undertake a county wide employee health needs and stress survey	Sept 2008

Appendix A

HEALTH & SAFETY COMPETENT OFFICERS 2007/2008

The current number of competent persons within the health and safety community remains at 21 staff.

Name	Department	Qualification
Colin Jones	P & D	Diploma in Occ. H & S. NEBOSH Construction Cert.
Shirley Scott	A, H & CS	Diploma in Occ. H & S.
Vicki Shaw	A, H & CS	Diploma in Occ. H & S.
Helen Coltman	A, H & CS	NEBOSH Cert.
Rhea Whitehouse	A, H & CS	NEBOSH Cert.
Sally Brandrick	C,YP & F	Part 1 Dip. Occ. H & S.
Mark Wills	C,YP & F	NEBOSH Cert.
Vicki Page	C,YP & F (WES)	NEBOSH Cert.
Sylvia Youngman	C,YP & F (WES)	NEBOSH Cert.
Chris Birch	C, YP & F (WES)	NEBOSH Cert.
Claire Pepper	C,YP & F (WES)	NEBOSH Cert.
Nicki Green	C,YP & F (WES)	
Rebecca Donaldson	C,YP & F (WES)	NEBOSH Cert.
Cherry Phillips	P & D	NEBOSH Cert.
Caroline Cousins	Resources	Msc in Occ. H & S.
Mark Young	Resources	NVQ4.
Mushtaq Sheikh	Resources	NEBOSH Cert.
Shirley Merralls	C P	NEBOSH Cert.
Louse Rock	C P	Part 1 Dip. Occ. H & S. NEBOSH Environmental Cert.
Gareth Hughes	CP	TUC Cert.
Nick Philp	E & E	Diploma in Occ. H & S.

Appendix B

DIRECTORATE PERFORMANCE AGAINST TARGETS – 2007/2008

Corp. Target %	%	CYPF	AH CS	E & E	P & D	RES	CP	WCC
1. New Managers to attend Health & Safety Management training within 6months of start date	94%	90%	90%	90%	100%	80%	90%	90%
2. Reduction in the number of employee F2508 accident reports	7%	5%	+12%	50%	0%	+25%	+21%	19%
3. Accident Investigations carried out for all of target 2 accidents and copied to Corporate Health & Safety Officer	100%	100%	100%	100%	100%	100%	35%	89%
4. Reduction in relevant accident category with each Directorate (Directorate to Identify)	14%	10%	10%	10%	100%	13%	100%	49%
5. List of Risk Assessment to be completed by each Directorate	100%	100%	100%	100%	100%	100%	100%	100%
6. Risk Assessments to be completed in each Directorate	25%	15%	100%	10%	25%	100%	100%	58%
7. Scheduled workplace inspections completed	93%	90%	100%	48%	100%	100%	100%	89%
8. Outcome of workplace inspections to be set out in Directorate Health & Safety action plans	100%	100%	100%	100%	100%	100%	100%	100%
9 Action of recommendations from workplace inspections (Within 12 Months)	80%	70%	100%	100%	100%	100%	100%	94%

Appendix C

HEALTH & SAFETY – FIVE YEAR PERFORMANCE TARGETS

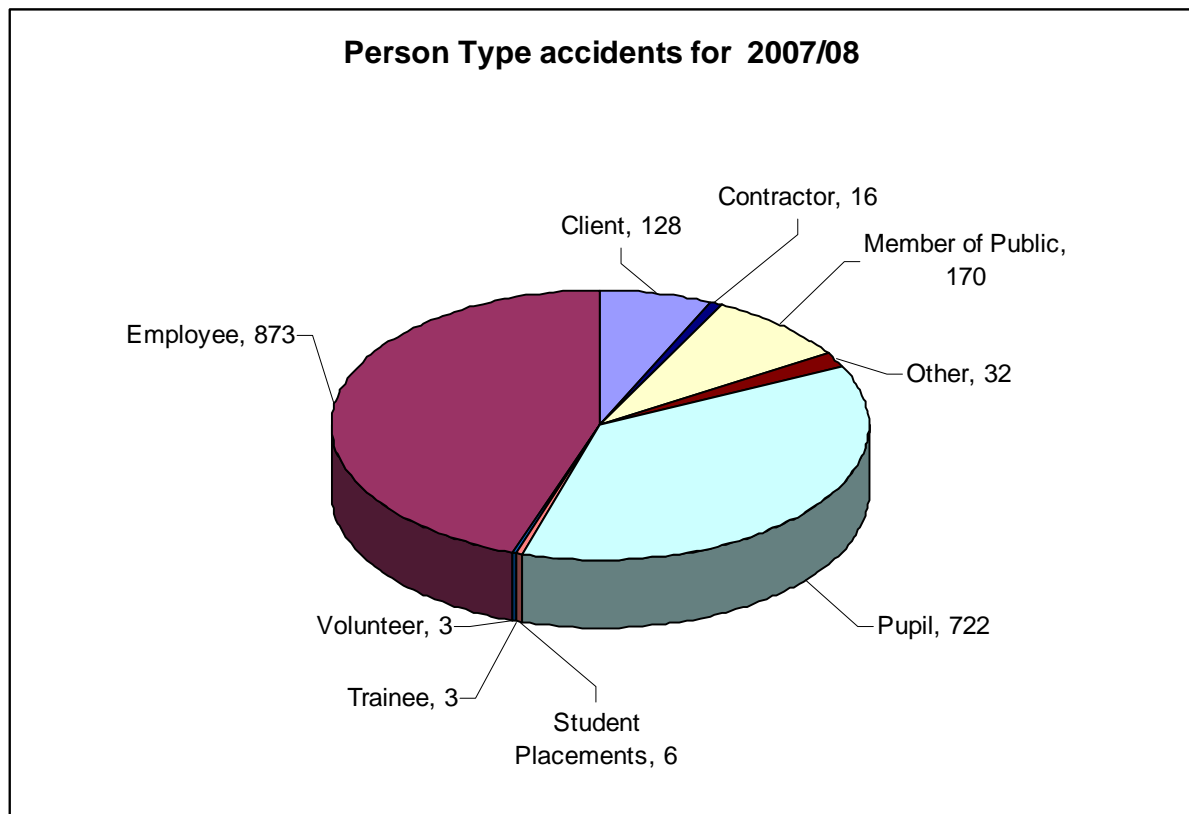
Target	Percentage Improvement					Review Period
	06/07	07/08	08/09	09/10	10/11	
1. New Managers to attend Health & Safety Management training within 6months of start date	90%	94%	96%	98%	100%	Quarterly
2. Reduction in the number of employee F2508 accident reports	5%	7%	10%	12%	15%	Quarterly
3. Accident Investigations carried out for all of target 2 accidents and copied to Corporate Health & Safety Officer	100%	100%	100%	100%	100%	Half Yearly
4. Reduction in relevant accident category with each Directorate (Directorate to Identify)	10%	14%	16%	18%	20%	Quarterly
5. List of Risk Assessment to be completed by each Directorate	100%	100%	100%	100%	100%	Yearly
6. Risk Assessments to be completed in each Directorate	15%	25%	50%	75%	100%	Yearly
7. Scheduled workplace inspections completed	90%	93%	95%	97%	100%	Yearly
8. Outcome of workplace inspections to be set out in Directorate Health & Safety action plans	100%	100%	100%	100%	100%	Yearly
9 Action of recommendations from workplace inspections (Within 12 Months)	70%	80%	90%	95%	100%	Yearly

Appendix D

ACCIDENT STATISTICS BY PERSON TYPE - 2007/2008

Person Status

Status	Total 2006/7	Total 2007/8
Client	150	128
Contractor	10	16
Member of Public	155	170
Other	48	32
Pupil	751	722
Student Placements	0	6
Trainee	1	3
Volunteer	6	3
Employee	944	873
Total	2065	1953



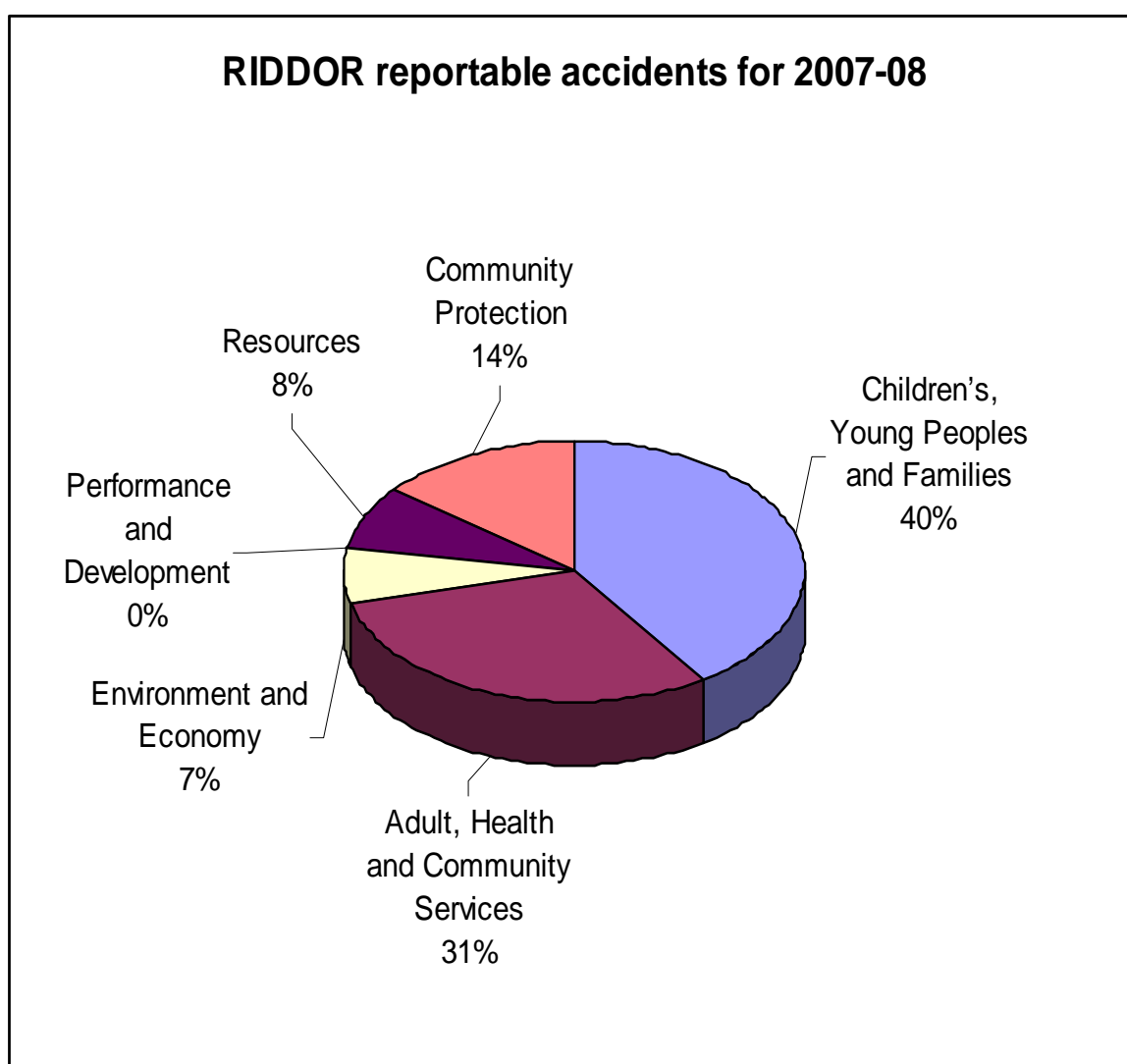
Appendix E

ACCIDENT STATISTICS BY TYPE - 2007/2008

Kind of Accident	Total 2006/7	Total 2007/8
Animal/insects	12	13
Contact with harmful substances	31	20
Contact with hot materials	45	30
Drowning Asphyxiation	4	0
Electricity	7	11
Explosion	4	2
Exposure to fire	7	2
Fall from height	77	61
Hand tools	26	29
Hit by moving, flying or falling objects	345	335
Hit by moving vehicle	29	15
Hit something fixed or stationary	146	130
Hot work (Welding/brazing etc.)	3	8
Machinery in motion	9	16
Manual handling	117	104
Other kind of accident	212	217
Physical/verbal assault	315	305
Play equipment	33	38
Release gas or steam	2	0
Slipped tripped or fell on same level	638	615
Trapped by something collapsing	3	2

TOTAL NUMBER OF RIDDOR REPORTABLE ACCIDENTS – 2007/2008

Directorate	Total 2007/08
Children’s, Young Peoples and Families	49
Adult, Health and Community Services	37
Environment and Economy	8
Performance and Development	0
Resources	10
Community Protection	17
Total	121



SUMMARIES FROM DIRECTORATE REPORTS - 2007/2008

1. Children, Young People and Families (CYPF)

The appointment of a new Health and Safety Officer and Deputy Health and Safety Officer has had a significant impact in improving health and safety management and identifying areas of concern. Significant improvements have been made in health and safety practice in the following areas:

- Swimming/Hydrotherapy Pools - Following comprehensive inspections, high standards of health and safety management have been implemented and in addition, automatic dosing systems installed to reduce risk.
- The management of contractors - Following training, there are now competent persons in the majority of schools and Youth and Community Centres to manage contractors effectively
- Design & Technology - Further work has been undertaken to produce standards for health and safety management in School D&T Departments, including risk assessments, check sheets and specific training.
- Youth and Community - A Review Group has been formed working closely with Y&C managers to significantly improve the standards of H&S in this area, with continued progress.
- Work Experience/14-19/Reactiv8 - A Group has been formed with partners from Further Education Colleges, Connexions and other training providers to improve health and safety arrangements for work experience students.
- Directorate H&S Policy Arrangements - The policy arrangements have been completely reviewed and revised across the directorate.
- Significant improvements have been made by working with the Learning and Behavioural Skills Service and the Extended Services Team

Training	Numbers
Corporate Health & Safety for Manager	19
Health & Safety Training County Music	32
Health & Safety Training Youth & Community	41
Safe Management of Contractors	118
Safe Management of Contractors Youth & Community	38
Headteacher induction	20
Design & Technology	17
Design & Technology Practical	53
Fire Safety Awareness Sessions (WES)	60
Manual Handling Training (WES)	22
Health & Safety Awareness (WES)	35

2. Adult Health & Community Services

The Health and Staff Support Team provides a countywide service for the Adult, Health and Community Services Directorate enabling managers to develop healthy, safe & supportive working environments for staff. We work in partnership with managers and staff to ensure that they develop the skills required to improve service delivery and safeguard service users.

Health and Staff Support Officers work with managers across all services in nominated districts, taking a lead role for development work and projects when it would be better co-ordinated by one person. We have agreed with health and safety staff in CYP&F to retain responsibility for some premises where both AH&CS and CYP&F staff work and vice versa, sharing information on inspections, risk assessments and accidents. Key developments have included:-

- Hosting the National Association for Safety and Health in Care Services in October 2007
- Running a campaign to improve the nutritional value of meals for older people (in conjunction with local provider managers and trading standards)
- Piloting a telephone tracing system to support the health and safety of lone workers within the Directorate
- Undertaking of a range of premises inspections
- Auditing health and safety arrangements in the Environment & Economy Directorate as part of cross directorate auditing regime.
- Commissioning fire risk assessments for directorate premises across the County
- Supporting corporate review and potential extension of staff care provision

Training	Numbers
Health and Safety Risk Assessment	80
Personal Safety	170
Blood Borne Viruses	156
Infection Control	164
Foundation Nutrition and Health	76
Foundation Food Hygiene	154
Update Food Hygiene	84
Hazard Analysis	28
SPHA – theory and practical	458
SPHA – Combined	178
SPHA – hoisting	486
Manual Handling (People handling) Risk Assessment	32
Advanced manual handling and refresher	8
First/ Emergency Aid	307
Fire Safety	474
Stroke awareness	2
Quarry Safety	4
Emergency Planning	3

3 Resources

Over the last year the health and safety team within Resources Directorate have completed extensive work on the following areas:

- Significant improvements in procuring and managing contractors
- Construction Design and Management Guide distributed to managers as part of changes in Regulations.
- Further developments to the asbestos management register (ATLAS system)
- Water Hygiene risk assessments undertaken across the majority of County buildings
- A comprehensive programme of fire risk assessments developed
- Undertaking of a range of premises inspections

Training	Numbers
Manual handling	52
Working at heights/Ladder Safety	52
CDM awareness	25
Asbestos awareness	52
COSHH	52
Fire safety	52
Improving Contractor Performance	80
Legionella awareness	25

4 Environment and Economy

The Directorate Health and Safety Officer has been working on the following areas:

- The development of Construction Design and Management procedures
- Contribution to the delivery of cross directorate health and safety audits
- Undertaking of a range of premises inspections
- Contribution to national developments through the National Highways Safety Officers Group
- A comprehensive programme of fire risk assessments developed
- Training of an additional 4 managers to the accredited NEBOSH Certificate.

Training	Numbers
Risk Assessment	10
Management of Health and Safety	19
Construction Site Safety & CDM	108

5 Community Protection

The Community Protection Health and Safety staff have had a difficult year since the Atherstone on Stour incident. However, they have achieved significant progress with health and safety in the following areas:

- Introduced seven Health and Safety Bulletins
- Developed five new Health and Safety Service Orders
- Introduced a comprehensive Service Plan for Risk Assessments
- Carried out extensive work on stress management
- Improved the level of training provided to young fire-fighters
- Delivery of premises Inspections

Training	Numbers
Manual handling	4
Managing Employee Stress	41
Driver Training	111
Working at Height	367

6 Performance and Development

The Directorate Health and Safety Officer has made excellent progress in both the standard of health and safety within the Directorate but also in her personal development. The following are some of the improved areas:

- Delivery of premises inspections
- A comprehensive programme of fire risk assessments developed
- Co-ordination of Display Screen Equipment Assessments
- Development of a new Accident Recording system
- Extensive work in improving health and safety with the Print Room

Training	Numbers
Management of Health & Safety	9
Risk Assessment	9
Managing Employee Stress	23
Personal Safety	2
Health & Safety Awareness	94

Police

Other Bodies/Individuals Mr John Bridgeman, independent chair of Audit and Standards

FINAL DECISION NO

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No 6

Audit and Standards Committee - 18 November 2008

Corporate Governance Audit

Report of the Strategic Director of Performance and Development

Recommendation

- 1) That the Committee notes the progress being made both corporately and by Directorates in response to the 2007 Corporate Governance audit, and makes any comment it wishes.

1. Introduction

- 1.1 The Council's fourth Corporate Governance Audit was carried out during the summer and autumn of 2007 and the results were reported to Cabinet on 13 March 2008. Members approved the Corporate Action Plan and agreed that each Directorate should prepare its own Action Plan to outline the steps to be taken to improve performance in key areas. Cabinet required that a mid year progress report against the Corporate Governance Plan be reported to the Audit and Standards Committee [with a view to a full report being presented to Cabinet in February 2009] during the year.

2. Corporate Action Plan

- 2.1 Progress on implementing the Corporate Action Plan is shown at Appendix 1. At the present time it is estimated that 73% of the corporate targets will be on course at the end of November. Good progress has been made on implementing 22 out of the 30 targets set out in the Corporate Action Plan against the timetable set. Eight targets (indicated by their "red" status in the final column of the table in Appendix 1) are currently at risk of falling behind deadline and half of these relate to the same activity (putting in place on-line training). Action is being taken to bring these eight targets back on track and to maintain momentum.
- 2.2 A number of areas where improvements could be made were identified as a result of the 2007 audit. These included staff understanding of key corporate policies such as Contract and Financial Standing Orders, the Council's Public Interest Reporting Code, our anti-fraud and corruption policy and our decision making process. In raising such staff awareness we have, amongst others, launched and publicised a new corporate governance section on the intranet

that brings together all the relevant corporate governance documents in one place.

3. Directorate Action Plans

- 3.1 Attached at Appendix 2 is an outline of each Directorate's current progress on implementing the key areas of improvement highlighted by the Corporate Governance Audit in respect of their own Directorates.
- 3.2 Each Directorate has identified responsible officers for the purposes of implementing their Directorate Action Plan (which may be different persons to the Corporate Governance Champion each Directorate now has and who meet throughout the year) and, where relevant, their plans also include specific actions that the Directorate needs to take to ensure an improved performance in next year's Corporate Governance Audit. Some Directorates are further advanced in preparing and implementing a Directorate Action Plan, as required by Cabinet.

4. Recommendation

- 4.1 The Committee is asked
- (i) To note the progress being made both corporately and by Directorates in response to the 2007 Corporate Governance audit, and make any comment it wishes.

DAVID CARTER
Strategic Director of
Performance and
Development

Shire Hall
Warwick
21 October 2008

APPENDIX 1

CORPORATE GOVERNANCE ACTION PLAN 2007/08

(Key: **Green**= Target already met;
Blue= Target on course to be met;
Red= Target not on course, remedial action necessary)

73% completed or on target

Ref	Recommendation	Responsible Officer(s)	Target Implementation date	Update as at 21 October 2008	Direction of Travel
	Strategy				
1.	Adopt the strap line "Do the right thing" for corporate governance code, training and publicity etc.	Head of Communications	30 June 2008	Done – strap line adapted for the new training and publicity which is being rolled out	Green
2.	Launch the new Code of Corporate Governance to all staff through intranet / Lotus Notes headline and accompanying summary leaflet for staff	Head of Law and Governance	30 June 2008	New Code launched at 1 st revamped corp gov training session on 24 th June Accompanying summary leaflet has also been produced and has been handed out at the training sessions.	Green

3.	Each Directorate to nominate a corporate governance champion to act as a key point of contact for corporate governance matters	Strategic Directors	30 April 2008	Done – each Directorate has a nominated rep. Meeting more frequently. Next meeting mid September.	Green
	<u>Accessibility to Information</u>				
4.	Develop a corporate governance home page on the intranet to ensure all key documents and contacts are easily identifiable.	Head of Law and Governance	30 June 2008	Site launched. Apart from following 2 points site is complete: Need to make appropriate links with the work being undertaken on information governance. This is wider than just FoI and the intranet pages should direct staff to the most up to date information. Our corporate governance home page should also have a link to the various risk and other policies/guidance that the Strategic Risk Manager is working on.	Green
5.	Make relevant corporate governance documents accessible via the internet	Head of Communications	30 June 2008	The website is currently being developed and will be available imminently.	Red <i>Revised implementation date: 31 November 2008</i>

6.	Review and update key corporate governance documentation (eg. the existing leaflet and the framework) and establish a central key contacts list on intranet	Head of Law and Governance	30 June 2008	All corp gov training material including framework, handouts, summaries etc have been revised and updated and issued at training session and to be linked through intranet page. Comms have also producing a simple summary of our new Code to hand out at training sessions and will also add to intranet. Central contact list on intranet established.	Green
7.	Introduce a corporate governance mailbox in lotus notes as a means of answering specific questions from members of staff, elected members, partners and contractors. P&D to act as recipients for any e-mails received.	Head of Law and Governance	30 June 2008	Done and referred to at the corp gov training session	Green
	Training and Development				

8.	Raise awareness of corporate governance issues through the Council's induction course.	Head of HR	31 May 2008	Deliver through on-line / DVD training Obtained details of several Councils who have already purchased this through different companies. Following a meeting in early October the Head of HR and the Audit and Risk Manager are contacting their opposite numbers in other authorities who have this in place to set up site visits for WCC following which WCC to determine best way forward.	Red <i>Revised implementation date: 31 March 2009</i>
9.	Continue to deliver corporate governance training for managers. Mandatory for all 3 rd and 4 th tier managers	Head of Law and Governance	All relevant managers trained by 31 March 2009	4 sessions arranged between now and 31 st March 2009	Blue
10.	Ensure training / development on governance issues is incorporated into the Management Development Programme.	Head of HR	To be incorporated into learning & development programme for 2008/9	Not appropriate given Learning Academy proposals. However the Head of HR to consider whether anything could be added to the Prospectus for the Warwickshire Manager documentation – generic guidance / sign posting Also agreed that the development of on-line/dvd training should cover the gap that this action was intended to address.	Blue

11.	Deliver interactive online training for staff on general governance issues as an alternative to out of office training. As part of this ensure staff acknowledge that they understand key policies.	Head of Law and Governance	31 December 2008	Obtained details of several Councils who have already purchased this through different companies. Following a meeting in early October Head of HR and the Audit and Risk Manager are contacting their opposite numbers in other authorities who have this in place to set up site visits for WCC following which WCC to determine best way forward.	Red (see 8 above) <i>Revised implementation date: 31 March 2009</i>
12.	Provide training and support on the new constitutional arrangements to meet the requirements of the Local Government and Public Involvement in Health Act 2007	Head of Law and Governance	31 March 2009	Members have agreed to have a leader and Cabinet model and to set up a cross-party working group. December's Council meeting is the deadline for approving the new constitution. Training packages will be developed between December 2008 and the May 2009 elections. Training will be a continuing process.	Blue
	Awareness Raising				

13.	<p>Drip feed approach to maintain high profile of governance issues – to include</p> <ul style="list-style-type: none"> ➤ Publicise the results of the survey and key elements of the action plan on the intranet and through W4W ➤ Development of posters to publicise governance issues (eg. whistleblowing) ➤ Periodic messages from Chief Executive on specific aspects of governance ➤ Use core brief as a means of launching corporate governance code ➤ Periodic articles on aspects of governance to be included in W4W. ➤ Periodic alerts/ headlines through lotus notes ➤ Develop short guides to key issues and link on intranet 	<p>Head of Communications Head of Communications</p> <p>Head of Law and Governance Head of Law and Governance</p>	<p>Ongoing over year – programme to be developed by 30 June 2008</p>	<p>Publicity/Raising Awareness we've already done:</p> <p>Stop press in Core Brief re Register of Interests</p> <p>CSOs headline on intranet.</p> <p>Register of Interests headline on intranet.</p> <p>Inform (to members) article on general corporate governance (July)</p> <p>W4W (general corporate governance) (June)</p> <p>CSOs briefing for P&D and CYPF</p> <p>Directorates have raised awareness of new Gifts and Hospitalities arrangements.</p>	Blue
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				<p>What we're doing now:</p> <p>W4W Sept (on new intranet pages) – Comms</p> <p>Inform</p> <p>Suggested potential Core Brief in Oct</p> <p>Various headlines on intranet, liaising with the Head of HR, the Audit and Risk Manager and the Strategic Risk Manager re their areas.</p> <p>Posters to publicise governance issues (eg. whistleblowing).</p>	
	Policies and Procedures				
14	Consider introducing a dedicated phone line to allow staff and/or contractors to raise concerns under the whistleblowing code.	Head of HR	30 June 2008	To check with the Audit and Risk Manager. Suggested we don't pursue	Red <i>Revised implementation date: 31 December 2008</i>

15	Promote whistleblowing arrangements to contractors (including their staff) through contract documents, tender packs, website access etc in light of new requirements of Use of Resources assessment	Head of Finance	30 April 2008	Done – reference now in contract docs, tender packs etc	Green
16	Review and revise the anti-fraud and corruption policy / strategy and publicise	Head of Law and Governance	31 Dec 2008	The revised anti fraud and corruption policy and supporting strategy was approved by Cabinet on 16 October. Work is now underway to raise awareness (eg, external press release and publicising the documents on the intranet and internet).	Blue
17	Launch the revised Financial Standing Orders in line with the revised Contract Standing Orders.	Head of Finance	31 May 2008	Done through Resources	Green
18	Review and revise Contract Standing Orders and Procurement Code of Practice and publicise. Consider making documents electronically interactive	Head of Law and Governance	31 May 2008	Done – publicised on intranet. Training revamped to line up with new CSOs. 1 st training session on 20 th June	Green
19	Strengthen and clarify existing corporate policy on acceptance of gifts and hospitality	Head of HR	30 April 2008	Done – new policy approved by SDLT. Has been rolled out by Directorates.	Green

20	Develop a standard form for recording Gifts and Hospitality as an interim measure prior to introduction of HRMS self service (and for use by staff without HRMS access) with corporate principles around accepting gifts and hospitality to be agreed by SDLT.	Head of HR	31 March 2008	Done with (19) above	Green
21	Develop and publicise a summary of the constitution/the Council's decision making arrangements for staff and members	Head of Law and Governance	30 June 2008	Summary developed but need to work with Comms to make it user friendly and accessible to staff – links with (12) above	Red <i>Revised implementation date: 31 March 2009</i>
22	Revise the Council's constitutional arrangements to meet the requirements of the Local Government and Involvement in Public Health Act 2007 and amend the summary constitution accordingly	Head of Law and Governance	31 March 2009	Not yet done – but see (12) above	Blue
	Members Support and Training				

23	Put in place effective arrangements to deal with complaints under the Members' Code of Conduct, following the new local filter arrangements and provide appropriate training for relevant members	Head of Law and Governance	31 March 2008	Done – new arrangements in place (eg documents on the internet re complaints about members, accessible from the corporate complaints page) from May 08 when new regs came into force	Green
24	Deliver interactive online training for members on general governance issues	Head of Law and Governance	31 December 2008	Obtained details of several Councils who have already purchased this through different companies. Following a meeting in early October the Head of Human Resources and the Audit and Risk Manager are contacting their opposite numbers in other authorities who have this in place to set up site visits for WCC following which WCC to determine best way forward.	Red – see (8) above <i>Revised implementation date: 31 March 2009</i>
25	Deliver face to face/ DVD training on ethical governance / standards	Head of Law and Governance	31 December 2008	Obtained details of several Councils who have already purchased this through different companies. Following a meeting in early October the Head of HR and the Audit and Risk Manager are contacting their opposite numbers in other authorities who have this in place to set up site visits for WCC following which WCC to determine best way forward.	Red – see (8) above <i>Revised implementation date: 31 March 2009</i>

26	Raise awareness of members' job descriptions through accessibility on the internet, constitutional summary and links with work being undertaken by the remuneration panel	Head of Law and Governance	30 June 2008	The Member Services Manager has confirmed that there is no point in promoting the current member job descriptions as these are being changed. A "short form" job descriptions document will go to the Member Steering Group on 4 November 2008 and it is planned to get this document on the intranet and internet by December 2008.	Red <i>Revised implementation date: 31 December 2008</i>
27	Periodic briefings on corporate governance issues (eg anti-fraud and corruption) in 'Inform' and by members' briefings on the intranet	Head of Law and Governance	At least 2 by 31 December 2008	Article published in Inform (June / July edition) – one more to do by end of Dec 08	Blue
28	Publicise the results of the survey and key elements of the action plan in Inform	Head of Law and Governance	30 April 2008	This has been done through (27) above	Green
29	Provide training and support on the new constitutional arrangements to meet the requirements of the Local Government and Public Involvement in Health 2007	Head of Law and Governance	31 March 2009	As (21) / (22) above	Blue

30	Undertake appropriate surveys of elected members to help assess the effectiveness / impact of the new locality arrangements	Head of Change Management	Base line survey by 31 May 2008. Follow up survey within 12 months of new arrangements becoming operational.	It has taken longer than was anticipated to develop the new locality arrangements. These were adopted by the Council on 13th May 2008 and are yet to be fully implemented (only 19 of the 30 community forums are operating at present). It is anticipated that the arrangements should be fully operational by the beginning of 2009. It is suggested that the baseline survey should be conducted in January 2009 with a follow up survey at the end of 2009 in line with the Council's resolution to formally review the arrangements after 12 months of operation.	Blue (taking into account longer time period required to implement the new locality arrangements)
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Directorate Actions

Each Directorate to incorporate the following as part of the 2008/09 normal business planning cycle:

Ref	Recommendation	Responsible Officer(s)	Implementation date
	Introduce a systematic process to identify the training needs of individual members of staff as part of the appraisal process.	Strategic Director	1 st April 2008

	Develop a means of identifying training needs of non Notes users and ensure key issues, documents and contacts are made available and regularly disseminated.	Strategic Director	1 st April 2008
	Identify a process to ensure circulation of key corporate governance contacts within the Directorate.	Strategic Director	30 June 2008
	Establish a single central Directorate gifts and hospitality register using the agreed standard format (prior to the implementation of HRMS self service) and following the corporate guidance issued by SDLT.	Strategic Director	1 April 2008
	Ensure there are arrangements in place to undertaken the annual register of staff interests exercise until HRMS self service elements are implemented.	Strategic Director	Ongoing
	Ensure that the results of this audit are considered as part of business planning process for 2008 – 2009 and incorporate any additional Directorate specific actions.	All Strategic Directors and Heads of Service	1 st April 2008

APPENDIX 2

DIRECTORATE CORPORATE GOVERNANCE ACTION PLANS

(Key: **Green**= Target already met;
Blue= Target on course to be met;
Red= Target not on course, remedial action necessary)

PERFORMANCE AND DEVELOPMENT DIRECTORATE – CORPORATE GOVERNANCE ACTION PLAN

95% completed or on target

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
ALL STAFF					
1. Fraud and Corruption					
1.1 Awareness raising exercise in respect of reporting procedures if officers suspect fraud/financial irregularity (to support review and revision of anti-fraud and corruption policy in Council action plan)	31 December 2008	Audit and Risk Manager	None	The revised anti fraud and corruption policy and supporting strategy was approved by Cabinet on 16 October. Work is now underway to raise awareness (eg, external press release and publicising the documents on the intranet and internet).	Blue
2. Access to Information					
2.1. DMT annual approval of Directorate nominated officers (eg. FOI/Data Protection)	30 June 2008	Corporate Legal Services Manager	Part of Corporate Legal Service work	Done	Green

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
			plan		
2.2. Awareness raising exercise in respect of Directorate nominated officers	30 Sept 2008	Corporate Legal Services Manager	Part of Corporate Legal Service Work Plan	Done	Green
3. Whistleblowing					
3.1 Raise awareness of the public interest reporting code across all staff in the Directorate and consider revising terminology across the Council (whistleblowing)	31 Dec 2008	Head of HR	Part of Corporate Legal Service Work Plan	Corporate Legal to e-mail the Strategic Director of Performance and Development and copy in the Head of HR re proposal to rename the policy. If agreed, rename on training / handout material and on Managing People. Posters on corp gov to be launched including this element.	Blue
4. Code of Conduct					
4.1 Amend and re-launch the Code of Conduct for all WCC employees	31 Dec 2008	Head of HR		Head of HR happy with the Employer and Employee	Blue

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
				Responsibilities document in Managing People. Doesn't want to issue Working for Warks – no added value in this. Need to consider how we make staff aware of the fact that the ER and EE Responsibilities document is the EE Code of Conduct	
4.2 Raise awareness of its contents amongst all staff in the Directorate, particularly what to do in the event of a breach	31 Dec 2008	Head of HR		Consider as part of 4.1 above – possibly include in the poster?	Blue
5. Constitution					
5.1 Raise awareness of content of constitution through accessibility to simple guides, summary constitution and basic constitution training, taking into account any constitutional changes made as a result of the LGPIH Act.	31 December 2008	Corporate Legal Services Manager	Part of Corporate Legal Service Work Plan	Summary of constitution drafted. Comms to make more plain English and shorter. Three short guides have been drafted. Note that these do not	Blue

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
				take into account any LGPIH Act changes as these are not yet available.	
6. Freedom of Information					
6.1 Review our policies and procedures on FOI and Data Protection to ensure that they are up to date	30 Sept 2008	Corporate Legal Services		Docs have been reviewed and, where necessary, updated and are now being considered for sign off internally.	Blue (subject to sign off of docs)
6.2 Raising awareness of our policies and procedures on Freedom of Information across all staff in the Directorate in line with the work being carried out corporately by the Information Governance Group.	31 December 2008	Corporate Information Manager		Dependent on 6.1 Expected to update/add Intranet pages once documents have been updated where necessary. Information Governance Task Group suspended until the Review of Information Management concludes organisational	Blue

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
				structures and responsibilities and in place.	
<u>MANAGERS</u>					
7. Risk Management					
7.1 Review our Directorate Risk Register in line with the Corporate Risk Management Strategy	30 April 2008	Strategic Risk Manager	None	P&D risks have been entered into Magique software and will be reported to DMT in October.	Green
7.2 Embed risk management across our managers through the delivery of training and briefing sessions	30 June 2008	Strategic Risk Manager	Part of Corporate Legal Service Work Plan	Training sessions completed.	Green
7.3 Implement across the Directorate Magique our electronic risk management system for managing risks	30 Sept 2008	Strategic Risk Manager	None	P&D risks have been entered into Magique software. Admin resource to maintain register has been identified.	Green
7.4 Strengthen the reporting of management information on risk to DMT using the functionality within Magique	30 Sept 2008	Corporate Legal Services Manager		Corporate Legal to speak to the Strategic Risk Manager about when and how often	Red <i>Revised implementati</i>

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
				we report to DMT and in what format. (It is understood that a report is going in October.) Suggest that this reporting, which should probably be every six monthly, is aligned with performance reporting.	<i>on date: 31 November 2008</i>
8. Business Continuity					
8.1 Implement BCP across the Directorate in line with the corporate roll out plan as recommended by the Risk Management Project Board	31 Dec 2008	Strategic Risk Manager		A BCP plan is in place for the Customer Service Centre. Work underway as part of the work agreed by the Risk Management Project Board to identify whether any other BCPs needed.	Blue
9. Financial and Contract Standing Orders					
9.1 Develop a more robust method of identifying and monitoring which staff need to receive FSO and CSO training/refresher training	30 June 2008	P&D Financial Services Manager	None	We have reviewed all current cost centre managers and booked those that needed refresher training on the appropriate	Green

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
				<p>course. Therefore we only need to deal with any new CCMs joining the Directorate.</p> <p>A check has been included as part of the financial systems user setup for all new Cost Centre Managers and training requested from County HR where required.</p>	
9.2 Consider incorporating Guidance on FSOs into constitution training (see 5.1 above)	31 December 2008	Corporate Legal Services Manager	None	Considered and decided that constitutional training should not pick up FSOs. Aim to link FSO and CSO reviews and incorporate sign posts in CSO training and corporate governance training.	Green
10. Corporate Governance Training					
10.1	100% of identified 3 rd	31 March	Corporate	None	Of the 31 3 rd and 4 th
					Blue

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
and 4 th tier managers attended the corporate governance training	2009	Legal Services Manager		<p>tier managers in P&D identified as needing to attend this training 22.6% have attended and 65% have either attended or have booked onto one of the sessions.</p> <p>We are chasing the 11 staff who have not yet booked a place.</p>	
GENERAL (as identified by Council's Corporate Governance Action Plan)					
11.1 Ensure that training needs are identified as part of appraisal process	31 July 2008	All Managers	None	Incorporated into appraisal documentation and audited as part of appraisal review.	Green
11.2 Develop a means of identifying training needs of non Notes users and ensure key documents and contacts are made available and regularly disseminated	30 April 2008	Corporate Legal Services		These few P&D staff have been identified and their managers have been asked to ensure that these staff are given certain handouts on corporate governance.	Green

Action	Timescales	Responsible officer	Resources	Update	Direction of Travel
11.3 Establish a single Directorate Gifts and Hospitality Register using the agreed standard format (prior to implementation of HRMS self service) and following corporate guidance issued by SDLT	30 April 2008	Corporate Legal Services Manager		SDLT have approved the new guidance on gifts and hospitalities. It has been rolled out in directorates (including P&D (P&D intranet pages and P&D newsletter)).	Green
11.4 Ensure the Directorate has arrangements in place to undertake the annual register of staff interests exercise until HRMS self service elements are implemented	31 July 2008	Personnel Officer for P&D		Exercise finished. Returns now with corporate HR.	Green
11.5 Consider whether any specific actions from this audit need to be incorporated into the Directorate's business plan for 2008/09	30 April 2008	DMT	Corporate Legal Services	Corporate Governance Action Plan included in the P&D Law and Governance Business Plan for 2008/09.	Green

RESOURCES DIRECTORATE - CORPORATE GOVERNANCE ACTION PLAN

100% completed or on target

Ref	Recommendation	Responsible Officer(s)	Implementation date	Action	Direction of Travel
1	Introduce a systematic process to identify the training needs of individual members of staff as part of the appraisal process.	Line managers	On-going at each appraisal	Each manager will examine the need for corporate governance training as part of the staff appraisal	Green
2	Develop a means of identifying training needs of non Notes users and ensure key issues, documents and contacts are made available and regularly disseminated.	Head of Facilities Management	Completed	Arrangements which exist for communication with site based staff, who do not have regular access to Lotus Notes, have been refreshed to ensure that Corporate Governance issues are effectively communicated to site based staff.	Green
3	Identify a process to ensure circulation of key corporate governance contacts within the Directorate.	RDMT	Completed	Included as a Directorate item in Core Brief and added to the Directorates Intranet page	Green

4	Establish a single central Directorate gifts and hospitality register using the agreed standard format (prior to the implementation of HRMS self service) and following the corporate guidance issued by SDLT.	Heads of Service	Completed	Because of the diversity of staff locations this is currently managed within each Service	Green
5	Ensure there are arrangements in place to undertaken the annual register of staff interests exercise until HRMS self service elements are implemented.	N/a	In place	Staff currently receive requests to complete register of interest forms. It is anticipated that this will continue	Green
6	Ensure that the results of this audit are considered as part of business planning process for 2008 – 2009 and incorporate any additional Directorate specific actions.	All managers	Completed	DMT have considered various aspects of corporate governance at its meetings and tightened up on areas of perceived weakness	Green

CHILDREN, YOUNG PEOPLE AND FAMILIES DIRECTORATE – CORPORATE GOVERNANCE ACTION PLAN

73% completed or on target

Ref	Action Plan Recommendations / Areas for Improvement	Action To Date (Nov 2008) Or To Be Taken	Timescale	Responsible Officer(s)	Direction of Travel
1	A systematic process towards training needs as part of the appraisal process.	The Directorate is currently updating its Induction pack for all staff, in conjunction with the need for a corporate approach towards induction. This will provide a starting point for identifying governance training needs. With the implementation of the new Authority-wide appraisal process throughout 2008 it is expected that training needs (including governance training issues) will be identified through that.	March 2009 (revised from April 08)	Learning and Organisational Development Co-ordinator	Red <i>Revised implementation date: 31 March 2009</i>
2	Ensure key issues, documents and contacts are made available and regularly disseminated to non Notes users	Key issues and documents are made available and regularly disseminated primarily through the Core Brief. That is, contact names are made available for obtaining documents through that process. All staff are in receipt of the monthly Core Brief, irrespective of whether they are non Notes users. The training needs of non-Notes users will be addressed via the normal appraisal process.	Not Applicable – already undertaken (Directorate Core Brief in April 2008 and placed on Directorate's Intranet site at the same time)	Head of Service (Resources)	Green

3	Ensure circulation of key corporate governance contacts within the Directorate.	Key issues relating to Corporate Governance (including contacts) are made available via the Directorate's Intranet site. This covers Employee Code of conduct, Financial Standing Orders, Internet Code of practice, Contract Standing Orders, Complaints procedure, Anti Fraud and Corruption policy, and Gifts and Hospitality. This aspect of the Intranet site was originally set up to also provide advice and guidance on Information Governance. Again, details were provided in the Core Brief for staff unable to access the Intranet.	Not Applicable – already undertaken (Directorate Core Brief in April 2008 and placed on Directorate's Intranet site at the same time)	Head of Service (Resources)	Green
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4	Establish a single central Directorate gifts and hospitality register	The Directorate already has a single central Directorate Gifts and Hospitality register. It follows the corporate guidance. A colleague in the Finance team wrote to all staff in September reminding them of their responsibilities in registering all Gifts and Hospitality and has collated responses to form the Directorate's current register, in a format that complies with new corporate requirements. As with other aspects of governance, the Directorate has raised awareness regarding Gifts and Hospitality via the Directorate's Intranet site and also via the Directorate's Core Brief.	Completed in September 2008	Senior Finance Officer	Green
5	Ensure arrangements are in place for the annual register of staff interests	The Directorate follows the corporate approach to the annual register of staff interests exercise, as used as part of the final accounts process. The Directorate followed up with any key members of staff that had not provided a response on the electronic system.	Not Applicable – already undertaken as part of final accounts process (for 2007/08)	Directorate Finance Manager	Green

6	Ensure consideration as part of business planning process for 2008 – 2009	<p>The Directorate Leadership Team reviewed and updated its plan in November 2007, as part of ensuring that directorate specific actions were embedded in Business Plans (primarily the Children and Young Persons Plan – CYPP). In addition, the Directorate now has an Assistant Head of Service dedicated to Governance issues in schools. The Directorate has also worked with colleagues in Law & Governance (and elsewhere) in updating guidance / regulations to schools. For example, in reviewing the Scheme for the Financing of Schools (under the School Standards & Framework Act); in the implementation of the Financial Management in Schools Standard (which includes several important areas of governance) and in recent guidance on Procurement and Schools Contract Standing orders.</p>	<p>Was undertaken in November 2007.</p> <p>Next Review Planned for November 2008</p>	Directorate Leadership Team	Green
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7	Employer & Employee Responsibilities	Inform staff of location of the Employee Code of Conduct. Also, the Directorate's Staff Charter was launched.	Was reported in the Directorate Core Brief in April 2008 and placed on Directorate's Intranet site at the same time	Head of Service (Resources) & Programme Officer - Workforce Strategy	Green
8	Confidential Reporting Code (whistle blowing)	Inform staff of location of the Whistle Blowing Code (via Directorate's Intranet site and directorate's Core Brief)	Not yet Undertaken – Target Date – December 2008	Head of Service (Resources)	Blue
9	Raising Issues	Inform staff of who to contact regarding problems of: <ul style="list-style-type: none"> ○ Health & Safety at work ○ Sexual harassment ○ Equal Opportunities ○ Racial harassment ○ Disability discrimination 	Not yet Undertaken – Target Date – December 2008	Head of Service (Resources)	Blue
10	Financial Standing Orders	Inform staff of location of the Authority's Financial Standing Orders (via Intranet site and directorate's Core Brief). Also make Budget Manager training available to appropriate staff.	Was reported in the Directorate Core Brief in April 2008 and placed on Directorate's Intranet site at the same time	Head of Service (Resources) & Strategic Finance Manager	Green

11	Access to Information	Inform / remind staff of the various statements relating to Access to Information.	Was reported in the Directorate Core Brief in April 2008 and placed on Directorate's Intranet site at the same time (including detailed guidance on Data Protection and Data Sharing). Also reported to Cabinet in February 2008	Head of Service (Resources) & Information Governance Officer	Green
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COMMUNITY PROTECTION DIRECTORATE - CORPORATE GOVERNANCE ACTION PLAN

50% completed or on target

Ref	Recommendation	Responsible Officer(s)	Original Implementation date	Revised Implementation date	Action	Direction of Travel
1	Introduce a systematic process to identify the training needs of individual members of staff as part of the appraisal process.	Line Managers	1 st April 2008	Complete and on-going	This will be addressed through the training and development plans identified during annual staff appraisals.	Green
2	Develop a means of identifying training needs of non Notes users and ensure key issues, documents and contacts are made available and regularly disseminated.	Line Managers	1 st April 2008	Complete and on-going	Existing communication methods such as team briefs which are delivered by Line Managers will be used to ensure key issues are communicated to members of staff without access to Notes.	Red <i>Revised implementation date: 31 January 2009</i>
3	Identify a process to ensure circulation of key corporate governance contacts within the Directorate.	RDMT	30 th June 2008	31 st October 2008	To be included as Directorate item in October 2008 team brief.	Red

4	Establish a single central Directorate gifts and hospitality register using the agreed standard format (prior to the implementation of HRMS self service) and following the corporate guidance issued by SDLT.	Strategic Director	1 st April 2008	Complete	The register is currently maintained at the headquarters site by the PA to the Strategic Director.	Green
5	Ensure there are arrangements in place to undertake the annual register of staff interests exercise until HRMS self service elements are implemented.	N/a	Ongoing	Complete	This exercise is carried out corporately.	Green
6	Ensure that the results of this audit are considered as part of business planning process for 2008 – 2009 and incorporate any additional Directorate specific actions.	Strategic Director	1 st April 2008	Complete and on-going		Red <i>Revised implementation date: 31 January 2009</i>

ENVIRONMENT AND ECONOMY DIRECTORATE – CORPORATE GOVERNANCE ACTION PLAN

33% completed or on target

Ref	Recommendation	Key Issues for E&E	Action to Date /Required Actions	Implementation Date (specific EED Implementation dates also included)	Responsible Officer(s)	Direction of Travel
1	Introduce a systematic process to identify the training needs of individual members of staff as part of the appraisal process		<p>The Environment & Economy induction session/pack will be updated to include information on key corporate governance issues (including those identified as key issues for EED).</p> <p>The authority wide appraisal process has been adopted by the Environment & Economy Directorate. This process allows the training and development requirements of staff to be identified on a six monthly basis (appraisal and review), including any</p>	<p>Corporate Implementation date: 1 April 2008</p> <p>EED Implementation Date: 30 Jan 2009</p> <p>Process implemented and action on going at each appraisal</p>	<p>EED Human Resources</p> <p>EED managers with responsibility for appraisals</p>	<p>Red</p> <p>Green</p>

			corporate governance requirements.			
2	Develop a means of identifying training needs of non Notes users and ensure key issues, documents and contacts are made available and regularly disseminated.	<p>Key Corporate Governance documents that EED staff need to be made more aware (where documents can be accessed and what the strategies cover) and include the following:</p> <ul style="list-style-type: none"> • Anti Fraud & Corruption strategy • Employer & Employee Responsibilities • Corporate Complaints Procedure (inc key contact) • Confidential Reporting Code (Whistleblowing) (including what the code covers) • The EED arrangements for Risk Management. • The EED Business 	<ul style="list-style-type: none"> • Key Issues/documents are disseminated via the core Brief process. This process includes key messages about Corporate Governance and associated documents. EED will ensure that that key messages are communicated via its Directorate Business Bulletins on at least an annual basis and more frequently if documents are updated or key contacts change. All staff receive a monthly Business Bulletin, irrespective of whether or not they are Notes users. • Ensure that the annual staff appraisal process covers all aspects of Corporate Governance training needs • Item to be included periodically in EED Managers' Seminars to cover key Corporate Governance Issues, paying particular attention to the key issues for EED. 	<p>Corporate Implementation date: 1 April 2008</p> <p>EED Implementation date: 30 Jan 2009</p> <p>On-going.</p> <p>EED will include an item on Corporate Governance in the 2009 Managers' Seminar programme.</p>	<p>Communications and Information Manager/HR</p> <p>EED managers with responsibility for appraisals</p> <p>Organisation Development / Communication team</p>	Red

		<p>Continuity Plan (in particular what this covers)</p> <ul style="list-style-type: none"> • Financial Standing Orders (including training and access) • The procurement process. • How the Decision Making Process works (definition and the purpose of the Forward Plan). 				
3	Identify a process to ensure circulation of key corporate governance contacts within the Directorate.	Awareness needs to be raised about all key contacts for areas of Corporate Governance, in particular the Directorates Corporate Complaints Officer.	<p>Key contacts for Corporate Governance and those responsible for specific areas of work (e.g. Corporate complaints) in EED will be made available via:</p> <ul style="list-style-type: none"> • Intranet (EED pages) • EED Lotus Notes front page • Article of Corporate Governance to be published in Working for Warwickshire (list of key contact for each directorate to be included (corporate action)). • email to all EED staff • The Directorate Business Bulletin (targets staff who do not have access to email/intranet). 	<p>Corporate Implementation date: 30 June 2008</p> <p>EED Implementation date: Jan 2009</p>	EED Communications team	Red

4	<p>Establish a single central Directorate gifts and hospitality register using the agreed standard format and following the corporate guidance issued by SDLT.</p>	<ul style="list-style-type: none"> EED staff must be made aware that even gifts and hospitality that have been declined must be recorded on the register. 	<p>The Environment & Economy Directorate has established a single central gifts and hospitality register in line with the corporate guidance. All offers of gifts and hospitality which are more than just a token must be recorded by completing and submitting an employee declaration form to the appropriate Head of Service for signature. Signed forms are then returned to the Strategic Director's PA who is responsible for maintaining the Directorate register of gifts and hospitality offered, including refusals.</p> <p>Staff are made aware of the requirement to complete the register on a regular basis via email communication to managers who are responsible for briefing all their staff. I</p> <p>Future communication regarding the Gifts and Hospitality register will include a stronger message that all offers of gifts/hospitality must be included on the register. Communication will be via email, intranet (Including the E&E pages)</p>	<p>Corporate Implementation date: 1 April 2008</p> <p>EED Implementation date: Completed</p>	<p>Heads of Service.</p> <p>The PA to the EED Director is responsible for administering the register.</p> <p>Communicati on action – The PA to the EED Director / Communications and Information Manager.</p>	Green
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5	Ensure there are arrangements in place to undertake the annual register of staff interests exercise until HRMS self service elements are implemented.		All staff receive a request on an annual basis to complete the register of interest form. This request is distributed via email. The request is also circulated via the core brief for those without access to email/the intranet.	Completed	Corporate Human Resources	Green
6	Ensure that the results of this audit are considered as part of the business planning process for 2008-09 and incorporate Directorate specific actions.	This action needs to be carried out to coincide with the EED Service Planning process.	EED Leadership team to discuss the results of this audit, and ensure that key action points/tasks are included in the service planning process for 2008-09. Particular attention will be paid to the perceived areas of weakness within EED. Corporate governance actions to be included in Group Service Plans where appropriate	Corporate Implementation date: 1 April 2008 EED Implementation date: EED Leadership Team to discuss in October 2008 and ensure integration into the Directorate's Service Plan	EED Leadership Team and all EED managers as appropriate. Group Managers	Red

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ADULT, HEALTH AND COMMUNITY SERVICES DIRECTORATE – CORPORATE GOVERNANCE ACTION PLAN

54% completed or on target

	ISSUE	ACTION	TO BE DONE BY	RESPONSIBILITY	UPDATE	DIRECTION OF TRAVEL
1.	Insufficient knowledge of main contact personnel	Publish the main named contacts and their responsibilities in Heads Up, on Intranet and by e-mail to managers and staff as appropriate	February 2008	Head of Resources	Not yet done but will be met shortly	Red <i>Revised implementation on date: 31 January 2009</i>
2.	Insufficient knowledge of location of key policies and procedures	Identify all key documents and provide access details to managers and staff as appropriate	February 2008	Head of Resources	Not yet done but will be met shortly	Red <i>Revised implementation on date: 31 January 2009</i>

		Feature each area separately during the year probably through Heads Up eg. Complaints, Decision-making processes	March onwards	Head of Resources	Not yet done and cannot now achieve intention across whole year	Red
3	Insufficient knowledge of Corporate Business Plan and Performance Management Framework	Ensure that all managers and staff are provided with access details as to the location of Corporate & Directorate Plans and guidance as to the Performance Reporting Framework as appropriate	May 2008	AHCS	Achieved	Green
4	Lack of reference to Corporate Governance within Directorate Business Planning	Ensure that Resources Divisional Plan includes an item linking it to this Corporate Governance Action Plan	May 2008	Head of Resources	Achieved	Green
		Consider corporate & directorate strategic risks as part of the business plan	January to March 2008	Planning Group	Achieved	Green
5	Lack of knowledge about political restrictions on posts	HR to remind staff as appropriate of this aspect of their employment contract	March 2008	AHCS	Achieved	Green
6	Lack of resource to maintain progress on corporate	Bring a report to DLT following budgetary process	April 2008	Head of Resources	Achieved but by October 2008. Implementation may be affected	Green

	governance issues				by budget issues	
7	Insufficient training for managers in key aspects of corporate governance	Develop specifications in based on those determined corporately and issue procedure for use for Management Development plan as part of Appraisals	During 2008	Corporate Working Group then Head of Resources	Achieved corporately but needs to be picked up in this directorate	Blue
8	Introduce a systematic process to identify the training needs of individual members of staff as part of the appraisal process.		1 st April 2008	AHCS	Not done yet	Red <i>Revised implementation on date: 31 January 2009</i>
9	Develop a means of identifying training needs of non Notes users and ensure key issues, documents and contacts are made available and regularly disseminated.		1 st April 2008	AHCS	Not done yet	Red <i>Revised implementation on date: 31 January 2009</i>
10	Identify a process to ensure circulation of key corporate		30 June 2008	AHCS	Not done yet but will be shortly	Red <i>Revised implementation</i>

	governance contacts within the Directorate.					<i>on date: 31 January 2009</i>
11	Establish a single central Directorate gifts and hospitality register using the agreed standard format (prior to the implementation of HRMS self service) and following the corporate guidance issued by SDLT.		1 st April 2008	AHCS	Achieved	Green
12	Ensure there are arrangements in place to undertaken the annual register of staff interests exercise until HRMS self service elements are implemented.		Ongoing	AHCS	Achieved	Green
13	Ensure that the results of this audit are considered as		1 st April 2008	AHCS	Achieved	Green

	part of business planning process for 2008 – 2009 and incorporate any additional Directorate specific actions.					
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AGENDA MANAGEMENT SHEET

Name of Committee **Audit and Standards Committee**

Date of Committee **18th November 2008**

Report Title **Update on Case File Recording**

Summary This report provides an update on the progress made within Adult Social Care in the area of case recording.

For further information please contact: Liz Bruce
Head of Local Commissioning
Tel: 01926 742963

Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers None.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees
- Local Member(s) Not Applicable
- Other Elected Members Councillor C Vereker, Councillor S Boad, Councillor J Bridgeman, Councillor F McCarney, Councillor R Dodd, Councillor Mrs J Compton, Councillor M Singh
- Cabinet Member Councillor C Hayfield
- Chief Executive
- Legal Alison Hallworth, Adult and Community Team Leader
- Finance Chris Norton, Strategic Finance Manager
- Other Chief Officers
- District Councils
- Health Authority

Police

Other Bodies/Individuals

FINAL DECISION NO

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee Update reports on a six monthly basis

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Audit and Standards Committee – 18th November 2008

Update on Case File Recording

Report of the Strategic Director of Adult, Health and Community Services

Recommendations

It is recommended that the Audit and Standards Committee consider and comment on the progress made in the auditing of case file records, and acknowledge the efforts of staff and managers in achieving improvements.

1. Introduction

- 1.1 The qualitative and quantitative auditing of case files within Adult Social Care has continued to take place on a quarterly basis. This report updates Committee on the results of the audits that took place in May and September 2008.

2. Performance Report – Quantitative Audit

- 2.1 Appendix A gives a summary of the results of the May and September audits against the overall target of 90%. 142 cases were audited compared with 127 in May and 124 in February.
- 2.2 Three of the standards have exceeded the target, one has met the target and two are slightly below target.
- 2.3 The outcome of the September audits is that all the standards have seen vast improvements from the May audits. Recognition needs to go to staff and Managers for the focus on this area of work to obtain this achievement. Teams now need to ensure this improvement is sustained.
- 2.4 Appendix B gives the full analysis.

3. Outcomes of the Quality Assurance Panel

- 3.1 The panel has continued to meet in May and September 2008. It is important to recognise that the panel is made up of different professionals from Health and Social Care including one Service User representative. The panel discussed eighteen cases in May and fifteen in September.
- 3.2 Appendix C highlights the outcomes of September's meeting.

3.3 It is clear from the judgement of panel members that there is a high level of compliance with regards to most of the standards which are fully or partially met.

4. Recommendations

4.1 It is recommended that the Audit and Standards Committee consider and comment on the progress made in the auditing of case file records, and acknowledge the efforts of staff and managers in achieving improvements.

GRAEME BETTS
Strategic Director of Adult,
Health and Community Services

Shire Hall
Warwick

October 2008

Summary Report

QUALITY STANDARDS	Target	Sept 08	May 08	Feb 08
Do records identify ethnicity?	90%	97%	94%	96%
Is there an 'activity' to show consent has been discussed.	90%	91%	78%	85%
Is there an 'activity' to show that a carer's assessment has been offered?	90%	90%	76%	79%
Is there an 'activity' to show that the individual is aware of the availability of self directed services e.g. Direct Payments and Independent Living Fund	90%	83%	69%	76%
Has a review 'activity' been set?	90%	81%	57%	57%
Is the assessment explicitly based on the department's eligibility criteria?	90%	98%	81%	83%

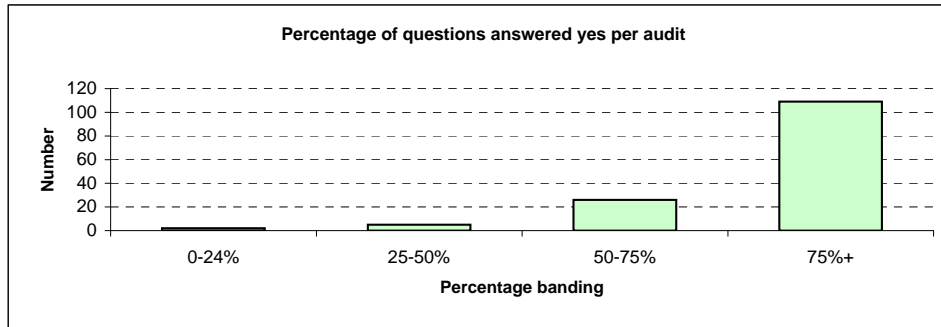
Appendix B

Key	Y = Yes
	N = No
	NA = Not applicable
	NS = Not stated

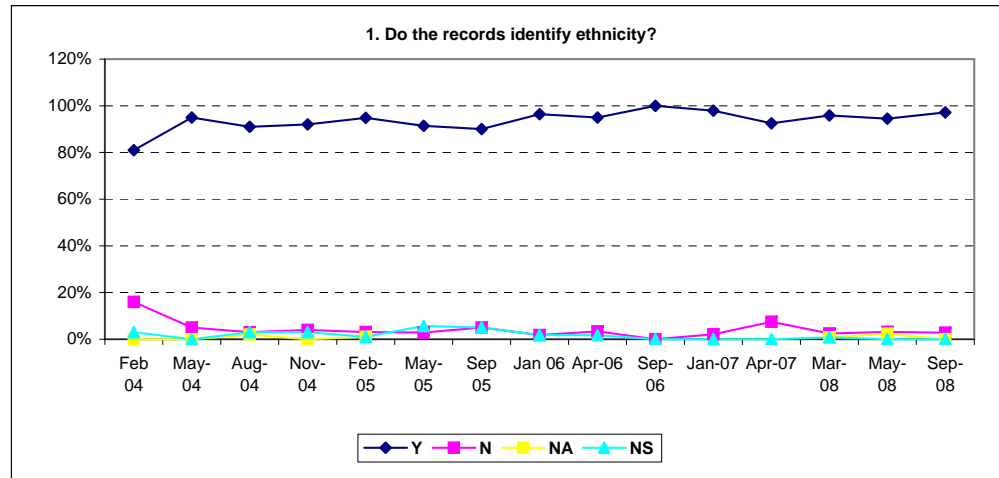
Number of audits returned: 142

Percentage of questions answered 'yes' per audit

Percentage	Number
0-24%	2
25-50%	5
50-75%	26
75%+	109



	1. Do the records identify ethnicity?			
	Y	N	NA	NS
Feb 04	81%	16%	0%	3%
May-04	95%	5%	0%	0%
Aug-04	91%	3%	2%	3%
Nov-04	92%	4%	0%	3%
Feb-05	95%	3%	1%	1%
May-05	91%	3%		6%
Sep 05	90%	5%		5%
Jan 06	96%	2%		2%
Apr-06	95%	3%		2%
Sep-06	100%	0%		0%
Jan-07	98%	2%		0%
Apr-07	93%	8%		0%
Mar-08	96%	2%	1%	1%
May-08	94%	3%	2%	0%
Sep-08	97%	3%	0%	0%



2. Is there an 'activity' to show consent has been discussed?

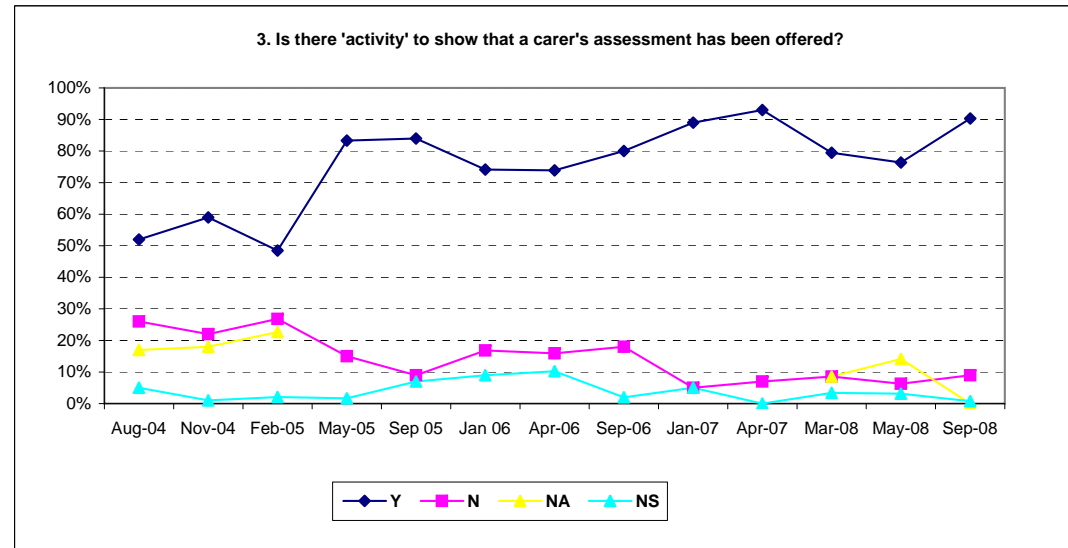
	Y	N	NA	NS
Mar-08	85%	9%	5%	1%
May-08	78%	10%	7%	5%
Sep-08	91%	8%	0%	1%

3. Is there an 'activity' to show that a carer's assessment has been offered?

	Y	N	NA	NS
Aug-04	52%	26%	17%	5%
Nov-04	59%	22%	18%	1%
Feb-05	48%	27%	23%	2%
May-05	83%	15%		2%
Sep 05	84%	9%		7%
Jan 06	74%	17%		9%
Apr-06	74%	16%		10%
Sep-06	80%	18%		2%
Jan-07	89%	5%		5%
Apr-07	93%	7%		0%
Mar-08	79%	9%	9%	3%
May-08	76%	6%	14%	3%
Sep-08	90%	9%	0%	1%

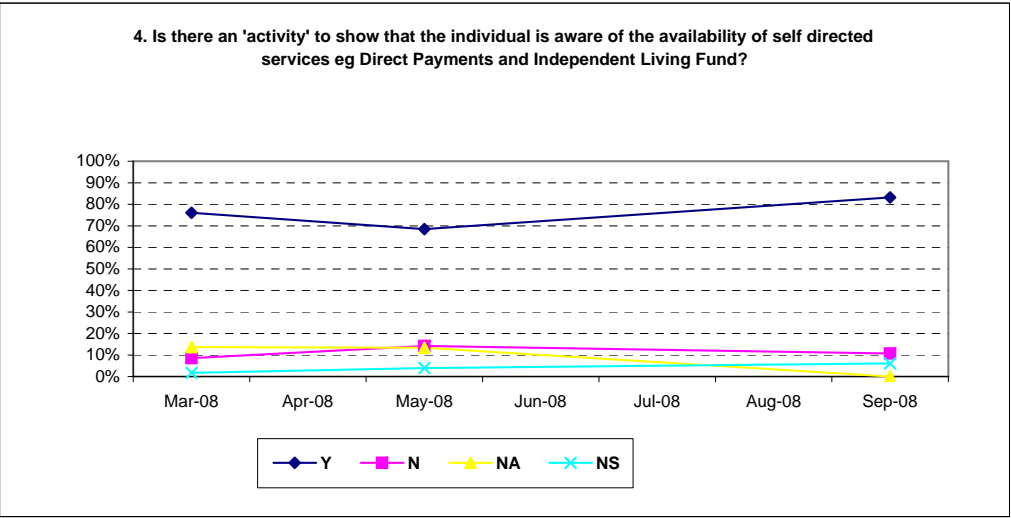
If yes, are the Carers details recorded?

	Y	N	NA	NS
Mar-08	26%	3%	1%	69%
May-08	22%	12%	15%	51%
Sep-08	79%	9%	0%	12%



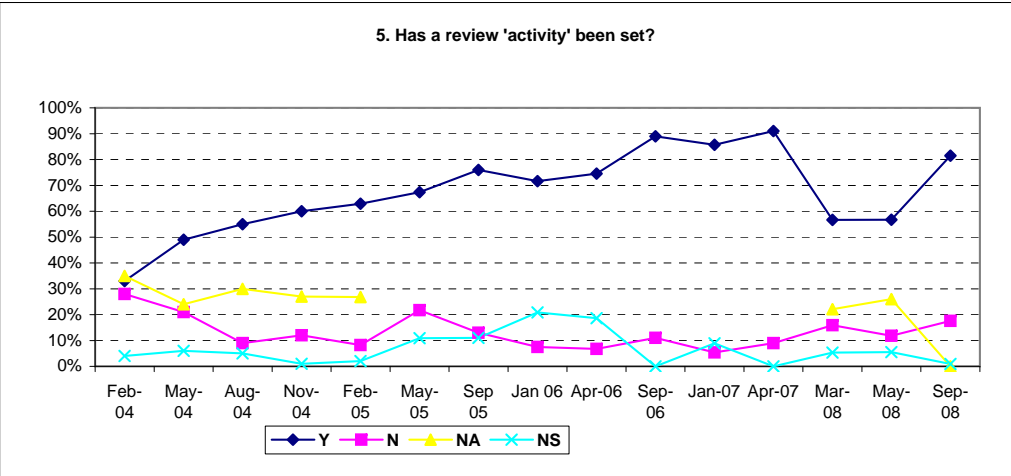
4. Is there an 'activity' to show that the individual is aware of the availability of self directed services eg Direct Payments and Independent Living Fund?

	Y	N	NA	NS
Mar-08	76%	9%	14%	2%
May-08	69%	14%	13%	4%
Sep-08	83%	11%	0%	6%



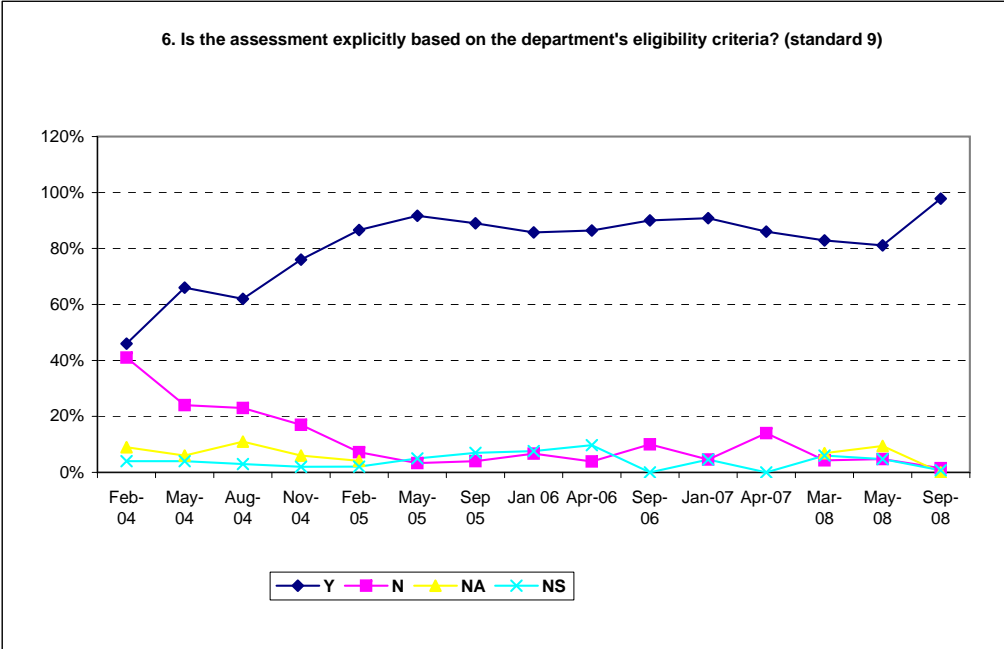
5. Has a review 'activity' been set?

	Y	N	NA	NS
Feb-04	33%	28%	35%	4%
May-04	49%	21%	24%	6%
Aug-04	55%	9%	30%	5%
Nov-04	60%	12%	27%	1%
Feb-05	63%	8%	27%	2%
May-05	67%	22%		11%
Sep 05	76%	13%		11%
Jan 06	72%	7%		21%
Apr-06	75%	7%		19%
Sep-06	89%	11%		0%
Jan-07	86%	5%		9%
Apr-07	91%	9%		0%
Mar-08	57%	16%	22%	5%
May-08	57%	12%	26%	6%
Sep-08	81%	18%	0%	1%



6. Is the assessment explicitly based on the department's eligibility criteria? (Standard 9)

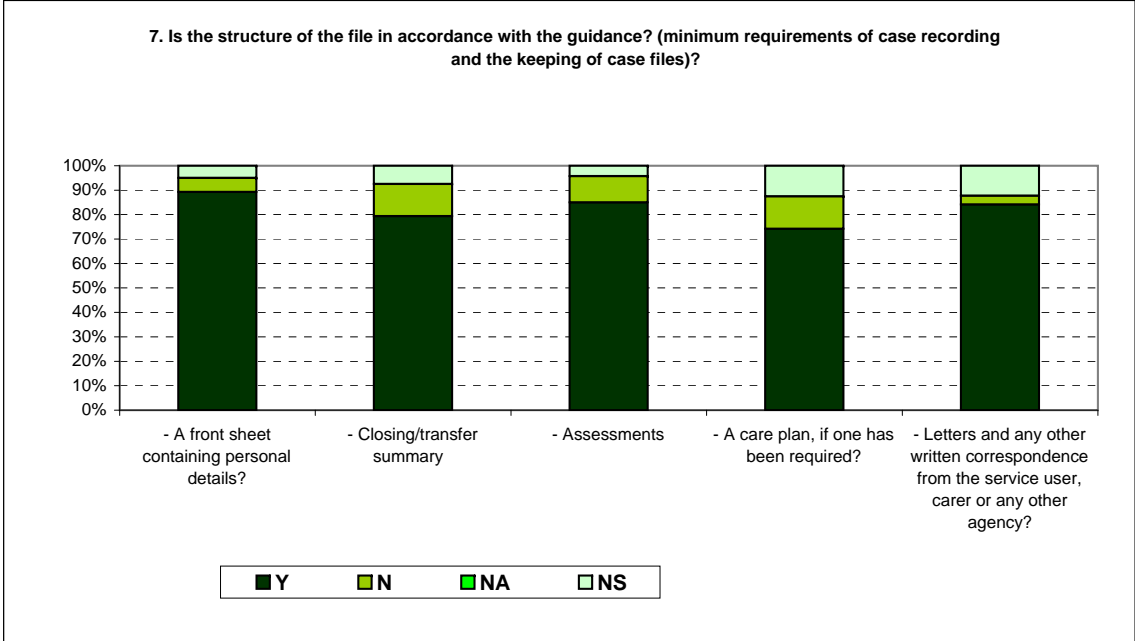
	Y	N	NA	NS
Feb-04	46%	41%	9%	4%
May-04	66%	24%	6%	4%
Aug-04	62%	23%	11%	3%
Nov-04	76%	17%	6%	2%
Feb-05	87%	7%	4%	2%
May-05	92%	3%		5%
Sep 05	89%	4%		7%
Jan 06	86%	7%		8%
Apr-06	86%	4%		10%
Sep-06	90%	10%		0%
Jan-07	91%	5%		5%
Apr-07	86%	14%		0%
Mar-08	83%	4%	7%	6%
May-08	81%	5%	9%	5%
Sep-08	98%	1%	0%	1%



7. Is the structure of the file in accordance with the guidance? (Minimum requirements of case recording and the keeping of case files)?

Y	N	NA	NS
89%	6%	0%	5%
79%	13%	0%	7%
85%	11%	0%	4%
74%	13%	0%	13%
84%	4%	0%	12%

- A front sheet containing personal details?
- Closing/transfer summary
- Assessments
- A care plan, if one has been required?
- Letters and any other written correspondence from the



Outcomes of Quality Assurance Panel – September 2008

QUALITY STANDARDS	Fully	Partially	Not at all	N/A
1. Have the self perceived needs been completed at the start of the assessment? Notes	10	2	3	
2. Do the self perceived needs include what the service user wants to achieve and/or change in their life? Notes	7	7	1	
3. Is the printed assessment written as a story that flows? Notes	10	5		
4. Does the assessment indicate that consideration has been given to the individual's <ul style="list-style-type: none"> • Religious /spiritual needs • Cultural needs Notes	2	6	5	2
5. Have issues of risk been addressed? Notes	15			
6. Is there evidence to show that the carer's views, preferences & feelings have been considered? Notes	7	4	2	2
7. Does the summary at the end link the individual's outcomes, the practitioner's analysis and the proposed actions? Notes	10	3	2	
8. Have all eligible needs been used as the basis for the care plan? Notes	12	1		2
9. Do you think that the service user's views, preferences and feelings have been central to the assessment and care plan? Notes	8	3	3	1
10. If a separate Carers assessment has not been taken up is there a clear reason as to why. Notes	2	2	3	8
11. With reference to review is it clear that identified outcomes have been met. Notes	2			13
12. Is there evidence of an assessment of capacity having been carried out, if appropriate. Notes	5	1	2	7