

REPORT TO: Audit and Governance Committee

MEETING DATE: 19 June 2012

BY: Chief Executive

SUBJECT: Corporate Governance Self-evaluation/Annual Governance Statement 2012

1 PURPOSE

- 1.1 To advise Audit and Governance Committee of the outcome of the 2012 Corporate Governance Self-evaluation.

2 RECOMMENDATIONS

- 2.1 Committee is asked to consider and comment on the self-evaluation (Appendix 1) and to approve the summary (para 3.4) for inclusion in the Annual Governance Statement that is to be included in the Council's Annual Accounts 2011/12.

3 BACKGROUND

- 3.1 Cabinet (11th May 2010) approved the adoption of a Code of Corporate Good Governance based on the six principles of good governance and the self-evaluation model outlined in the CIPFA/ SOLACE Guidance on Delivering Good Governance in Local Government. A task group comprising the Head of Governance & Performance Management, Head of Finance, Chief Social Work Officer, Head of Law and Licensing and Internal Audit Manager, was given responsibility for developing, monitoring and reviewing the code and governance statement.
- 3.2 Following the chief officer re-structuring a new task group consisting of the Monitoring Officer, Section 95 Officer, Chief Social Work Officer, Head of Policy and Partnerships and Internal Audit Manager was established to carry out the 2011/12 self-evaluation. The group reviewed progress made against the improvement points identified in the 2011 self-evaluation and considered documentary evidence and practice around each of the supporting principles and code requirements as detailed in the local code.

- 3.3 As with the previous self-evaluations the 2011/12 self-evaluation has found that East Lothian Council generally has good governance and control arrangements in place across the six principles. However, a number of areas where improvement is required were identified and these have been detailed in the self-evaluation in Appendix 1.
- 3.4 The following improvement points have been identified as actions that will ensure the Council can better meet its corporate governance responsibilities.
- ***Promote the Council Plan, Vision, Mission and Focus to staff and East Lothian citizens***
 - ***Complete the review of Community Planning Partnership governance arrangements and structures***
 - ***Roll out elected members' CPD to allow all members to participate***
 - ***Complete Review of Scheme of Administration and Scheme of Delegation, including the roles and responsibilities of the Council's Statutory Officers will be detailed in the revised Standing Orders and Scheme of Administration***
 - ***Review reports template following on from the Review of Scheme of Administration***
- 3.5 These improvement points will be reflected in the Corporate Improvement Plan that will be considered by Council, 26th June 2012.

4 POLICY IMPLICATIONS

- 4.1 The corporate governance code and self-evaluation framework detailed in Appendix 1 complement the Council's *How Good is Our Council* self-evaluation. The corporate governance self-evaluation fulfils the Council's commitment to assess whether it meets the principles and requirements set out in the guidance on Delivering Good Governance in Local Government.
- 4.2 The addition of the summary of the self-evaluation to the Internal Financial Control statement will fulfil the remit to include an Annual Governance Statement in the Council's Annual Accounts.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Delivering Good Governance in Local Government: Guidance Note for Scottish Authorities. (CIPFA 2008)
- 7.2 Report on Corporate Governance Self-evaluation; Corporate Governance PPRP, 22nd June 2010
- 7.3 Report on Annual Governance Statement; Audit & Governance Committee, 26th April 2011
- 7.4 Appendix 1: Corporate Governance Self-evaluation May 2012

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Corporate Policy Manager
CONTACT INFO	pvestri@eastlothian.gov.uk 01620 827320
DATE	7 th June 2012

APPENDIX 1: CORPORATE GOVERNANCE SELF-EVALUATION: May 2012

PRINCIPLE 1: Focusing on the purpose of the authority; on outcomes for citizens; and, service users and creating and implementing a vision for the area

Supporting Principle & Code Requirements	Documentary Evidence <i>(new items in italics)</i>	2011 Update and Improvement Points	Update and 2012 Improvement Points
1.1 Exercising strategic leadership by developing and clearly communicating the authority's purpose, vision and its intended outcome for citizens and service users			
1.1.1 Develop and promote the authority's purpose and vision	<ul style="list-style-type: none"> • 2020 Vision • Draft Council Plan 2012-2017 • Corporate Improvement Plan • Single Outcome Agreement (SOA) • HGIOC Self Evaluations • Communications of corporate objectives across services • Incorporation of objectives and outcomes in new Service Planning guidance • Corporate Induction Pack and training Course • Three –year Financial Strategy 	<p>Report to Council (22nd Feb 2011) agreed to re-affirm 2020 Vision and Community Planning Partnership Statement of Intent and that the Our Contract with the People and Corporate Plan should be refreshed.</p> <p>2011 Improvement Point: The refresh of the Corporate Plan should include a review of the 2020 Vision</p>	<p>The refresh of the Corporate Plan became the Draft Council Plan 2012-2017. This includes commitment to the 2020 Vision and a new Council Mission Statement and Focus</p> <p>2012 Improvement Point: Promote the Council Plan, Vision, Mission and Focus to staff and East Lothian citizens</p>
1.1.2 Review on a regular basis the authority's vision for East Lothian and its implications for the authority's governance arrangements	<ul style="list-style-type: none"> • Corporate Governance Code and self-evaluation framework adopted in May 2010 • Report on Council's vision, priorities and policies (Council, 22nd Feb 2011) • <i>Draft Council Plan 2012-2017</i> • <i>Chief Officers/ Council Management Team re-structured March 2012</i> 	As above	No action required

<p>1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners</p>	<ul style="list-style-type: none"> • Community Plan and SOA • Agreements between ELC and partners • Shared Services agreement with Midlothian Council • <i>EL CPP Improvement Plan 2011/12</i> 	<p>Draft Partnership Financial Strategy prepared and being consulted on</p> <p>CPP Partnership Agreement will be agreed following refresh of SOA</p> <p>CPP is undertaking a 'How Good is Our Partnership' self-evaluation</p> <p>2011 Improvement Point: Implement actions from HGIOF</p>	<p>Draft Partnership Financial Strategy to be finalised</p> <p>CPP Improvement Plan 2011/12 based on HGIOF agreed and being implemented</p> <p>CPP Review has been delayed until summer 2012</p> <p>2012 Improvement Point: Complete Review of CPP governance arrangements and structures</p>
<p>1.1.4 Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance</p>	<ul style="list-style-type: none"> • Annual Accounts • Annual Performance Reports • SOA Annual Report 	<p>Comprehensive Annual Performance Report 2010 was published on Council's website</p> <p>2011 Improvement Point: Review content of 2011 Performance Report</p>	<p>Annual Performance Report 2011/12 being published in August</p> <p>No action required</p>
<p>1.2 Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning</p>			
<p>1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available</p>	<ul style="list-style-type: none"> • Service standards • HGIOC, Business Plans and Improvement Plans • SOA Annual Report • PPR Co reporting – balanced scorecards • Complaints and compliments feedback • Independent inspection reports • CSWO Annual Report • <i>Service users' surveys</i> • <i>2011 Residents' Survey</i> 	<p>No action required</p>	<p>2011 Residents' Survey results used to inform the Council Plan</p> <p>Consultation and Engagement Strategy has been agreed with the aim of improving feedback to the Council and services of the views of citizens and service users</p> <p>No action required</p>

<p>1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery</p>	<ul style="list-style-type: none"> • PPR Co reporting on key Performance indicators • HGIOC and service improvement plans incorporated into Service Plans • Significant case reviews in Social Work • Social Work Appeals Sub-Co • Social Work Complaints Review Co • Regular reporting of complaints and feedback • Responding to issues raised by elected members 	<p>No action required</p>	<p>New 2-stage Complaints procedure being out in place (by July 2012)</p> <p>No action required</p>
<p>1.3 Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money</p>			
<p>1.3.1 Decide how value for money (VFM) is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions</p>	<ul style="list-style-type: none"> • Procurement Strategy • Performance Management framework • PPR Co reporting • Audit & Governance Co reporting • 2011 Residents' Survey • Customer feedback / surveys • <i>Consultation and Engagement Strategy</i> 	<p>New Procurement Strategy published Feb 2011</p> <p>2011 Residents Survey has been commissioned</p> <p>Corporate consultation strategy being prepared (May 2011)</p>	<p>Procurement Improvement Plan and Action Plan has been established</p> <p>Consultation and Engagement Strategy and Action Plan has been agreed</p> <p>Process for carrying out Environmental Impact Assessments is being developed</p> <p>No action required</p>

PRINCIPLE 2: Members and Officers working together to achieve a common purpose with clearly defined functions and roles

Supporting Principle & Code Requirements	Documentary Evidence <i>(new items in italics)</i>	2011 Update and Improvement Points	Update and 2012 Improvement Points
2.1 Ensuring effective leadership throughout the authority and being clear about executive and non executive functions and of the roles and responsibilities of the scrutiny function			
2.1.1 Set out a clear statement of the respective roles and responsibilities of Members generally and of Senior Officers	<ul style="list-style-type: none"> • Scheme of Delegation • Member/ officer protocol • CPD pilot for elected members • Review of Impact of Multi-Member Wards and Officer Member Relations carried out in 2011 • <i>Induction programme for new elected members</i> • <i>Improvement Service Notebooks for new elected members</i> 	<p>Recommendations have been adopted; new PPR Co and Audit & Governance Co have been established</p> <p>Council has agreed to participate in the new CPD programme</p> <p>Review of Impact of Multi-Member Wards and Officer Member Relations has been carried out and recommendations will be reported to May Council meeting</p>	<p>Induction programme for new elected members including session on the Code of Conduct</p> <p>Improvement Service Notebooks for new elected members included sections on role and responsibilities</p> <p><i>2012 Improvement Point: Roll out elected members' CPD to allow all members to participate</i></p>
2.2 Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard			
2.2.1 Determine a Scheme of Delegation and reserve powers within constitution, including a formal scheme on those matters specifically reserved for collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required	<ul style="list-style-type: none"> • Scheme of Delegation • Policies such as HR policies include delegation of powers to officers 	2011 Improvement Point: Review Scheme of Delegation	<p>Completion of the review of Scheme of Delegation held back until after the 2012 elections</p> <p><i>2012 Improvement Point: Complete Review of Scheme of Administration and Scheme of Delegation</i></p>

<p>2.2.2 Ensure the Chief Executive is responsible and accountable to the authority for all aspects of operational management within the Scheme of Delegation</p>	<ul style="list-style-type: none"> • Chief Executive's job description • Appraisal of Chief Executive • Scheme of Delegation • Members Library reports record decisions taken under delegated powers 	<p>As above</p>	<p>As above</p>
<p>2.2.3 Develop protocols to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained</p>	<ul style="list-style-type: none"> • Member/ officer protocol within Council Standing Orders • <i>Regular meetings between Chief Executive and Council Leader</i> • Annual appraisal for Chief Executive with Leader and Depute Leader 	<p>2011 Improvement Point: Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to protocols, induction and training for members</p>	<p>Induction programme for new elected members included session the Code of Conduct</p> <p>Improvement Service Notebooks for new elected members included sections on role and responsibilities</p> <p>2012 Improvement Point: Roll out elected members' CPD to allow all members to participate</p>
<p>2.2.4 Make a Senior Officer (the Section 95 Officer) responsible to the authority for ensuring appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining effective systems of internal financial control</p>	<ul style="list-style-type: none"> • Section 95 Officer • Annual Accounts and Statement of Internal Financial Control • Internal and external audit reports 	<p>No action required</p>	<p>New Section 95 Officer (Head of Council Resources) appointed April 2012</p> <p>2012 Improvement Point: The roles and responsibilities of the Council's Statutory Officers will be detailed in the revised Scheme of Administration</p>

<p>2.2.5 Make a senior officer (the Monitoring Officer; and for social work services the Chief Social Work Officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with</p>	<ul style="list-style-type: none"> • Monitoring Officer • Chief Social Work Officer • Internal audit reports • CSWO Annual Report 	<p>No action required</p>	<p>New Monitoring Officer (Executive Director, Services to Communities) appointed April 2012</p> <p>2012 Improvement Point: <i>The roles and responsibilities of the Council's Statutory Officers will be detailed in the revised Scheme of Administration</i></p>
<p>2.3 Ensuring relationships between the authority, its partners and the public are clear so that each know what to expect of each other</p>			
<p>2.3.1 Develop protocols to ensure effective communication between Members and Officers in their respective roles</p>	<ul style="list-style-type: none"> • Member/ officer protocol within Council Standing orders 	<p>2011 Improvement Point: Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to protocols, induction and training for members</p>	<p>Induction programme for new elected members included session the Code of Conduct</p> <p>Improvement Service Notebooks for new elected members included sections on role and responsibilities</p> <p>2012 Improvement Point: <i>Roll out elected members' CPD to allow all members to participate</i></p>
<p>2.3.2 Ensure that an established scheme for remuneration of Members and Officers and an effective structure for managing the process including and effective remuneration panel (if applicable) are in place</p>	<ul style="list-style-type: none"> • The Council follows the recommendations of the Scottish Local Authorities Remuneration Committee • Chief Executives' scheme of remuneration • Registers of Interest for Members and Chief Officials 	<p>No action required</p>	<p>No action required</p>

<p>2.3.3 Ensure that effective mechanisms exist to monitor service delivery</p>	<ul style="list-style-type: none"> • Performance Management / <i>Improvement</i> framework • Reports to PPR Committee • HGIOC • Service Plans and Corporate Improvement Plan • Independent inspections 	<p>No action required</p>	<p>No action required</p>
<p>2.3.4 Ensure that the authority's vision, corporate plans, priorities and targets are developed, through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated</p>	<ul style="list-style-type: none"> • Development of Corporate Plan and SOA • Dissemination of Corporate Plan and SOA • 2011 Residents' Survey • <i>Draft Council Plan 2012-2017</i> • <i>Consultation and Engagement Strategy</i> 	<p>Corporate consultation strategy being prepared (May 2011)</p> <p>Report to Council (22nd Feb 2011) agreed to re-affirm 2020 Vision and Community Planning Partnership Statement of Intent and that the Our Contract with the People and Corporate Plan should be refreshed</p>	<p>Draft Council Plan 2012-2017 was based on the priorities established through the SOA, Christie Commission and views of residents from the 2011 Residents' Survey. The Plan includes commitment to the 2020 Vision and a new Council Mission Statement and Focus</p> <p>2012 Improvement Point: Promote the Council Plan, Vision, Mission and Focus to staff and East Lothian citizens</p>
<p>2.3.5 When working in partnership ensure that Members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority</p>	<ul style="list-style-type: none"> • Scheme of Administration, including Scheme of Delegation and Councillors' Code of Conduct • Memorandums and Articles of arms length companies • <i>Induction programme for new elected members</i> • <i>Improvement Service Notebooks for new elected members</i> 	<p>CPP is undertaking a 'How Good is Our Partnership' self-evaluation</p> <p>2011 Improvement Point: Implement actions from HGIOP</p>	<p>Induction programme for new elected members included a Meet the Partners session</p> <p>Improvement Service Notebooks for new elected members included sections on role and responsibilities</p> <p>2012 Improvement Point: Roll out elected members' CPD to allow all members to participate</p>

<p>2.3.6 When working in partnership, ensure that there is clarity about the legal status of the partnership; ensure that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisations to partner decisions</p>	<ul style="list-style-type: none"> • As above • Draft Partnership Funding Strategy • CPP Improvement Plan 	<p>As above</p>	<p>Draft Partnership Financial Strategy to be finalised</p> <p>CPP Improvement Plan 2011/12 based on HGIOP agreed and being implemented</p> <p>CPP Review has been delayed until summer 2012</p> <p>2012 Improvement Point: Complete Review of CPP governance arrangements and structures</p>
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PRINCIPLE 3: Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behavior

Supporting Principle & Code Requirements	Documentary Evidence <i>(new items in italics)</i>	2011 Update and Improvement Points	Update and 2012 Improvement Points
<p>3.1 Ensuring authority Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance</p>			
<p>3.1.1 Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect</p>	<ul style="list-style-type: none"> • Scheme of Administration, including Councillors' Code of Conduct • Various mechanisms used to inform council staff and the public of council decisions and policies • Customer Excellence • East Lothian Way • Joint Consultative Machinery with local JTU • Annual Employee Engagement Survey 	<p>2011 Improvement Point: Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to protocols, induction and training for members (including revision of Code of Conduct in line with recommendations of Standards Commission)</p>	<p>No action required</p>

<p>3.1.2 Ensure that standards of conduct and personal behaviour expected of all Members and staff, and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols</p>	<ul style="list-style-type: none"> • Scheme of Administration, including Councillors' Code of Conduct • Community Planning Board, Local Area Forums and SOA theme groups remits • Disciplinary Code of Conduct for Employees • The East Lothian Way • Performance Review and Development Scheme for employees • Transformational Leadership Programme for senior officers and managers • Review of Impact of Multi-Member Wards and Officer Member Relations • SSSC Code of Conduct • <i>Induction programme for new elected members</i> • <i>Improvement Service Notebooks for new elected members</i> 	<p>Draft Partnership Financial Strategy prepared and being consulted on</p> <p>CPP Partnership Agreement will be agreed following refresh of SOA</p> <p>CPP is undertaking a 'How Good is Our Partnership' self-evaluation</p> <p>2011 Improvement Point: Implement actions from HGIOP</p> <p>Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to protocols, induction and training for members</p>	<p>Draft Partnership Financial Strategy to be finalised</p> <p>CPP Improvement Plan 2011/12 based on HGIOP agreed and being implemented</p> <p>CPP Review has been delayed until summer 2012</p> <p><i>2012 Improvement Point: Complete Review of CPP governance arrangements and structures</i></p> <p><i>Roll out elected members' CPD to allow all members to participate</i></p>
<p>3.1.3 Put in place arrangements to ensure that Members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice</p>	<ul style="list-style-type: none"> • Members' and Officers Codes of Conduct and Registers of Interests • Standing Orders • Single Equality Scheme • Standing Orders including Scheme of Delegation and Councillors' Code of Conduct with provisions for Declarations of Interest • Equalities Policies • Whistleblowing Policy • Gifts and Hospitality policy • <i>Induction programme for new elected members</i> 	<p>2011 Improvement Point: Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to protocols, induction and training for members</p>	<p>Induction programme for new elected members included session the Code of Conduct</p> <p>Improvement Service Notebooks for new elected members included sections on role and responsibilities</p> <p><i>2012 Improvement Point: Roll out elected members' CPD to allow all members to participate</i></p>

3.2 Ensuring that organisational values are put into practice and are effective			
3.2.1 Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicating these with Members, staff, the community and partners	<ul style="list-style-type: none"> • East Lothian Way • <i>Draft Council Plan 2012-2017</i> • SOA and Community Plan • Customer Excellence • Transformational Leadership Programme • Performance Review & Development Scheme for employees • Corporate Induction Pack and Course for Managers • Code of Conduct and Disciplinary Procedures for all employees • Team Talk communication channel 	No action required	No action required
3.2.2 Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	<ul style="list-style-type: none"> • Standing Orders including Councillors' Code of Conduct • Gifts and Hospitality policy 	No action required	No action required
3.2.3 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	<ul style="list-style-type: none"> • Standing Orders • East Lothian Way • Roll out of Performance Review and Development for all employees • Annual Employee Engagement Survey • <i>Draft Council Plan 2012-2017</i> 	2011 Improvement Point: Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to protocols, induction and training for members	No action required

PRINCIPLE 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

Supporting Principle & Code Requirements	Documentary Evidence <i>(new items in italics)</i>	2011 Update and Improvement Points	Update and 2012 Improvement Points
4.1 Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny			
4.1.1 Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisation for which it is responsible	<ul style="list-style-type: none"> • Scheme of Administration • Audit & Governance and PPR Committees • Reviews of the use of Scrutiny Guide by Audit & Governance and PPR Committees 	Recommendation of the review have been implemented and new PPR Co and Audit & Governance Co established 2011 Improvement Point: Review operation of new committees in late 2011	Reviews of the use of Scrutiny Guide by Audit & Governance and PPR Committees carried out in March – June 2012 No action required
4.1.2 Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	<ul style="list-style-type: none"> • Scheme of Administration including Scheme of Delegation • Members Library Service and Bulletin to report delegated decisions • <i>E-gov</i> provides access to all reports and minutes 	CMIS upgrade not viable; alternative approach has been adopted and new system for online publishing of agenda, reports and minutes will be in place by April 2011	New e-gov system has been in place since April 2011 No action required
4.1.3 Put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	<ul style="list-style-type: none"> • Standing Orders including Scheme of Delegation and Councillors' Code of Conduct with provisions for Registers and Declarations of Interest • Recruitment and Selection procedures • Discipline and Grievance Procedures • Whistleblowing Policy • Gifts and hospitality policy • 2011 Procurement Strategy 	No action required	No action required

<p>4.1.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee</p>	<ul style="list-style-type: none"> • Standing Orders and Scheme of Administration • Audit & Governance Committee 	<p>Recommendation of the review have been implemented and new PPR Co and Audit & Governance Co established</p>	<p>No action required</p>
<p>4.1.5 Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints</p>	<ul style="list-style-type: none"> • Complaints policy 'Feedback' • Publicity about complaints procedures • <i>Six-monthly report on complaints and feedback made to PPR Committee</i> 	<p>No action required</p>	<p>No action required</p>
<p>4.2 Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs</p>			
<p>4.2.1 Ensure that those making decisions, whether for the authority or the partnership, are provided with information that is fit for purpose - relevant, timely and gives clear explanations of technical issues and their implications</p>	<ul style="list-style-type: none"> • Format of Council, Cabinet, Audit & Governance Co, PPR Co and Community Planning Board reports • Calendar of meetings and timely preparation of agendas and papers • Three -year Financial Strategy • Advice in preparing annual budget 	<p>No action required</p>	<p>No action required</p>
<p>4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately</p>	<ul style="list-style-type: none"> • Agendas and papers for Council, Cabinet, Audit & Governance Co, PPR Co and Community Planning Board • Monitoring Officer, s95 Officer and Chief Social Work Officer provide advice on legal or financial implications as required 	<p>Template not yet reviewed</p> <p>2011 Improvement Point: Review reports template and guidance on report preparation and writing, taking into account the review of Scheme of Delegation and direction on seeking appropriate legal and financial advice</p>	<p>Completion of the review of Scheme of Delegation held back until after the 2012 elections</p> <p>2012 Improvement Point: Review reports template following on from the Review of Scheme of Administration</p>

4.3 Ensuring that an effective risk management system is in place			
4.3.1 Ensure that risk management is embedded into the culture of the authority, with Members and Managers at all levels recognising that risk management is part of their jobs	<ul style="list-style-type: none"> • Risk Management Strategy • Risk Management Groups being established • Role of Audit & Governance Co • Risk Management Matrix as part of Business Plans • <i>Corporate Risk Register</i> • <i>Service Risk Registers</i> 	Corporate Risk Register due to be completed by March 2011	Corporate Risk Register is being reviewed No action required
4.3.2 Ensure that arrangements are in place for whistleblowing to which staff and all those contracting with the authority have access	<ul style="list-style-type: none"> • Standing Orders including Codes of Conduct • Whistleblowing Policy 	Action not yet undertaken 2011 Improvement Point: Increase awareness of whistleblowing policy	The Whistleblowing Policy is being reviewed and contacts updated. The revised policy will be publicised through Team Talk
4.4 Using the authority's legal powers to the full benefit of the citizens and communities in their areas.			
4.4.1 Actively recognise the limits of lawful activity placed on the authority by, for example, the ultra vires doctrine, but also strive to utilise powers to the full benefit of East Lothian's communities	<ul style="list-style-type: none"> • Senior officers and elected members have a general understanding of statutory powers • Monitoring Officer, s95 Officer and Chief Social Work officer provide appropriate advice • Internal and external Audit reports 	No action required	No action required
4.4.2 Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	<ul style="list-style-type: none"> • Scheme of Administration including Scheme of Delegation • Monitoring Officer, s95 Officer and Chief Social Work officer provide appropriate advice • Internal and external Audit reports 	2011 Improvement Point: Review Scheme of Delegation	Completion of the review of Scheme of Delegation held back until after the 2012 elections 2012 Improvement Point: Complete Review of Scheme of Administration and Scheme of Delegation then review reports template

4.4.3 Observe all specific legislative requirements placed upon the authority, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into the authority’s procedures and decision making processes	<ul style="list-style-type: none"> • Standing Orders including establishment of quasi judicial committees and sub-committees • Monitoring Officer, s95 Officer and Chief Social Work Officer provide appropriate advice 	No action required	No action required
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PRINCIPLE 5: Developing the capacity and capabilities of members and officers to be effective

Supporting Principle & Code Requirements	Documentary Evidence <i>(new items in italics)</i>	2011 Update and Improvement Points	Update and 2012 Improvement Points
5.1 Make sure that Members and Officers have the skills, knowledge, experience and resources they need to perform their roles well.			
5.1.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis	<ul style="list-style-type: none"> • Induction programme for officers, CPD and training opportunities for staff • Piloted CPD for members • Performance Review and Development for all employees • Corporate Learning • E-Learning / LearnNet on ELnet • <i>Induction programme for new elected members</i> • <i>Induction Notebooks on Elnet</i> 	2011 Improvement Point: Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to protocols, induction and training for members Prepare Induction programme for councillors elected in May 2012	Induction programme for new elected members included session the Code of Conduct Improvement Service Notebooks for new elected members included sections on role and responsibilities <i>2012 Improvement Point: Roll out elected members’ CPD to allow all members to participate</i>

<p>5.1.2 Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority</p>	<ul style="list-style-type: none"> • Job descriptions for statutory officers • Networking and development opportunities for statutory officers through professional associations • Role of statutory officers recognised in Scheme of Administration • <i>People Strategy</i> 	<p>No action required</p>	<p>As above</p>
<p>5.2 Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group</p>			
<p>5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively</p>	<ul style="list-style-type: none"> • CPD pilot for elected members • Performance Review and Development all employees • Guide to Scrutiny and Review published and scrutiny training provided for elected members • Elected members' Performance Briefings to encourage scrutiny of performance information 	<p>2011 Improvement Point: Implement recommendations from Review of Impact of Multi-Member Wards and Officer Member Relations in relation to training for members</p>	<p>As above</p>
<p>5.2.2 Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p>5.2.3 Ensure that effective arrangements are in place for reviewing the performance of the executive as a whole and of individual members and agreeing an action plan, which might, for example aim to address any training or development needs</p>	<ul style="list-style-type: none"> • CPD pilot for elected members • Elected Members' Code of Conduct & complaints about performance 	<p>As above</p>	<p>As above</p>

5.3 Encouraging new talent for membership of the authority so that best use can be made of individual's skills and resources in balancing continuity and renewal.			
5.3.1 Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority	<ul style="list-style-type: none"> • Local Area Forums • Community Planning Community Engagement Strategy • Tenants and Residents Panel • Support for Voluntary Action east Lothian to participate in the Community Planning structures • Community Councils • Petitions Committee, including new online features • new media strategy • <i>Consultation and Engagement Strategy</i> 	<p><i>2011 Improvement Point:</i> Provide information to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority</p>	<p>Consultation and Engagement Strategy has been agreed</p> <p>Draft Council Plan includes commitment to complete roll out of Local Area Forums to all wards</p> <p>No action required</p>
5.3.2 Ensure that career structures are in place for members and officers to encourage participation and development	<ul style="list-style-type: none"> • CPDs for officers • People Strategy • Transformational Leadership Programme • Performance Review and Development for all employees 	No action required	No action required

PRINCIPLE 6: Engaging with local people and other stakeholders to ensure robust public accountability

Supporting Principle & Code Requirements	Documentary Evidence (<i>new items in italics</i>)	2011 Update and Improvement Points	Update and 2012 Improvement Points
6.1 Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.			

<p>6.1.1 Make clear to all staff and the community to whom the authority's leadership are accountable and for what</p>	<ul style="list-style-type: none"> • <i>Draft Council Plan 2012-2017, SOA, Corporate Improvement Plan, Service and Business Plans</i> • Information on Executive Directors and Department responsibilities on www.eastlothian.gov.uk • <i>Annual Performance Reports</i> • <i>Living newspaper</i> 	<p>No action required</p>	<p>No action required</p>
<p>6.1.2 Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required</p>	<ul style="list-style-type: none"> • Various forums for engaging with stakeholders including the CPP, Local Area Forums, ELTRP, Community Councils and Parents Councils • <i>Consultation and Engagement Strategy</i> 	<p>No action required</p>	<p>Consultation and Engagement Strategy has been agreed</p> <p>Draft Council Plan includes commitment to complete roll out of Local Area Forums to all wards</p> <p>No action required</p>
<p>6.1.3 Produce an annual report on the activity of the scrutiny function</p>	<ul style="list-style-type: none"> • Annual Performance Reports • Internal and external Audit Plans reviewed • Quarterly performance information published on-line 	<p>Recommendations of the review have been implemented and new PPR Co and Audit & Governance Co established</p> <p>Comprehensive Annual Performance Report published on-line in October</p> <p>2011 Improvement Point: Include a report on the activity of PPR Co and Audit & Governance Co in the Annual Performance Report</p>	<p>Review of the use of Scrutiny Guide by Audit & Governance reported in June 2012 recommending that an annual Audit & Governance Co report be produced</p> <p>2011/12 Annual Performance Report will include report on activity of the scrutiny committees</p> <p>No action required</p>
<p>6.2 Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority or in partnership or by commissioning</p>			

<p>6.2.1 Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements to ensure that they operate effectively</p>	<ul style="list-style-type: none"> • Communications Strategy • Community Planning Community Engagement Strategy • VOiCE used to monitor community engagement activities • 2011 Residents' Survey • <i>Consultation and Engagement Strategy</i> 	<p>No action required</p>	<p>No action required</p>
<p>6.2.2 Hold meetings in public unless there are good reasons for confidentiality</p>	<ul style="list-style-type: none"> • Council meetings are held in public • Agendas, papers and minutes are published on the Council's website 	<p>CMIS upgrade not viable; alternative approach has been adopted and new system for online publishing of agenda, reports and minutes will be in place by April 2011</p>	<p>New e-gov system has been in place since April 2011</p> <p>No action required</p>
<p>6.2.3 Ensure that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands</p>	<ul style="list-style-type: none"> • Equality and Diversity Network • Community Planning Community Engagement Strategy • Community Councils • Local Area Forums • ELTRP • 2011 Residents' Survey • <i>Consultation and Engagement Strategy</i> 	<p>2011 Improvement Point: Consultation Strategy to include effective use of regular stakeholder consultation and engagement</p>	<p>Consultation and Engagement Strategy has been agreed</p> <p>Draft Council Plan includes commitment to complete roll out of Local Area Forums to all wards</p> <p>No action required</p>
<p>6.2.4 Establish clear policy on the types of issues the authority will meaningfully consult on or engage with the public and service users about, including a feedback mechanism for those consultees to demonstrate what has changed as a result</p>	<ul style="list-style-type: none"> • Community Planning Community Engagement Strategy • ELTRP • Community Councils consulted on planning matters • <i>Consultation and Engagement Strategy</i> 	<p>As above</p>	<p>As above</p>

<p>6.2.5 Publish an annual performance plan giving information on the authority's vision, strategy, plans and finances well as information about incomes, achievements and satisfaction of service users in the previous period</p>	<ul style="list-style-type: none"> • Annual Performance Reports • Annual Accounts 	<p>Comprehensive Annual Performance Report published on-line in October</p>	<p>No action required</p>
<p>6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff, and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so</p>	<ul style="list-style-type: none"> • Compliance with the Freedom of Information Act and Data Protection Act • Council meetings held in public • Agendas for meetings, minutes and reports published on the Council website • Living newspaper • Star Awards Public Nominations • Petitions Committee 	<p>CMIS upgrade not viable; alternative approach has been adopted and new system for online publishing of agenda, reports and minutes will be in place by April 2011</p>	<p>New e-gov system has been in place since April 2011</p> <p>No action required</p>
<p>6.3 Making best use of human resources by taking an active and planned approach to meet responsibility to staff</p>			
<p>6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making</p>	<ul style="list-style-type: none"> • People Strategy • JCC and JC Groups • Employee and JTU Consultations • Annual Budget Review and Development Discussions for JTU • Employee Engagement Survey • Annual Working Together Forum 	<p>No action required</p>	<p>No action required</p>