

REPORT TO: Audit and Governance Committee

MEETING DATE: 11 June 2013

BY: Chief Executive

SUBJECT: 2013 Corporate Governance Self-evaluation/ Annual Governance Statement

1 PURPOSE

- 1.1 To advise Audit and Governance Committee of the outcome of the 2013 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 (paras 3.4 and 3.5) for inclusion in the Annual Governance Statement that is to be included in the Council's 2012/13 Annual Accounts.

3 BACKGROUND

- 3.1 Cabinet (11 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 senior officers of the Council was given responsibility for developing, monitoring and reviewing the code and governance statement.
- 3.2 Following the chief officer re-structuring the task group now comprises the Monitoring Officer (Executive Director Services for Communities), Section 95 Officer (Head of Council Resources), Chief Social Work Officer (head of Adult Wellbeing), Head of Policy and Partnerships and Internal Audit Manager. Phil Denning, Chair of the Local Authority Network attended this year's meeting to provide a 'critical friend' perspective.
- 3.3 The group considered documentary evidence and practice around each of the six supporting principles and code requirements as detailed in the

corporate governance code and reviewed progress made against the improvement points identified in the 2012 self-evaluation.

3.4 The corporate governance 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.

3.5 The following improvement points have been identified as actions that will ensure the Council can better meet its corporate governance responsibilities.

- Develop toolkit for self-evaluation of strategic partnerships
- Review consultation strategy with view to ensuring that service users' views about quality of services is measured and used effectively
- Roll out Continuous Professional Development for elected members and continue to support elected member and senior management development
- Hold training session for elected members on new Standing Orders including session on Members' Conduct delivered by the Standards Commission
- Induction programme for all members of new Community Planning Partnerships, including elected members
- Training for Audit & Governance Co and PPR Co members
- Review and revise the Improvement Framework
- Make more effective use of benchmarking, develop guidance and training on the use of benchmarking, Best Value reviews and options appraisal
- Focused work with Local Area Network on an agreed programme of self-evaluation for improvement
- Implement programme of action to respond to the results of the Employee Engagement Survey
- Review Whistleblowing Policy and publicise to all staff
- Review People Strategy including the how the values from the East Lothian Way are disseminated to staff
- Introduce Combined Impact Assessment and process for identifying and monitoring the needs of minority and vulnerable groups, including Looked After Children

3.6 These improvement points will be included in the Council Improvement Plan that will be considered by Council, 25 June 2013.

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. 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, 22 June 2010
7.3 Appendix 1: Corporate Governance Self-evaluation, May 2013

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Corporate Policy and Improvement Manager
CONTACT INFO	pvestri@eastlothian.gov.uk 01620 827320
DATE	31 May 2013

APPENDIX 1: CORPORATE GOVERNANCE SELF-EVALUATION: May 2013

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	Evidence	2012 Update and Improvement Points	Update and 2013 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 • Council Plan 2012-12017 • Council 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>Employee Engagement Survey showed 94% of staff agreed "I know how my job contributes to the Council's objectives"</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>	<p>Council Plan approved in August 2013. Work has begun on promoting it to staff. Service Plans are to include clear links to the Council Plan priorities. Staff should be engaged in the service planning process</p> <p>Staff PRD's should include reference to Council Plan</p> <p>Continue with programme of communicating Plan priorities to staff and citizens</p> <p>No further action required</p>

<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</p>	<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) • Council Plan 2012-2017 • Chief Officers/ Council Management Team re-structured March 2012 	<p>No action required</p>	<p>Area based model of service delivery Local Community Planning framework being developed</p> <p>No further action required</p>
<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 continuing through Joint Liaison Group • EL CPP Improvement Plan 2011/12 and Review of structures and governance arrangements 	<p>Draft Partnership Financial Strategy to be finalised</p> <p>CPP Improvement Plan 2011/12 based on HGIOIP 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>Review of CPP completed with new more strategic structure created</p> <p>Scrutiny and engagement arrangements for Police and Fire and Rescue services agreed</p> <p>Council commitment to appointment of Jointly Accountable Officer responsible for Health and Social care integration</p> <p>2013 Action: Develop toolkit for self-evaluation of strategic partnerships</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>Annual Performance Report 2011/12 being published in August</p> <p>Unaudited accounts submitted to special meeting of Audit & Governance Committee in July 2012</p> <p>No action required</p>	<p>Unaudited accounts to be submitted to July meeting of Audit & Governance Committee</p> <p>Annual Performance Report 2012/13 to be published in September</p> <p>No further action required</p>

1.2 Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning

<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 and Performance briefings for elected members • Complaints and compliments feedback • Independent inspection reports • CSWO Annual Report • Service users' surveys • 2011 Residents' Survey 	<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>Consultation hub has been set up</p> <p>Consideration being given to future Residents' Survey or alternative means of surveying East Lothian citizens and service users</p> <p>Data profiles are being developed for all wards to inform the development of the new SOA and provide indicator data</p> <p>No consultation on 2013/14 budget but consideration being given to future budget consultation exercise</p> <p>Service users' groups have been involved in the development of Commissioning Strategies for Adult and Children's social care services</p> <p>2013 Action: Review consultation strategy with view to ensuring that service users' views about quality of services is measured and used effectively</p>
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<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>New 2-stage Complaints procedure being out in place (by July 2012)</p> <p>No action required</p>	<p>New 2-stage procedure has been established and is being reported on to PPR Co</p> <p>Corporate and Service Risk registers are in place</p> <p>No further 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 • Consultation and Engagement Strategy 	<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>	<p>New Combined Impact Assessment incorporating Environmental Impact has been agreed and will be established</p> <p>Process for benchmarking and carrying out Best Value Reviews, incorporating Value for Money is being established as part of the Transformation Programme</p> <p>Review of Key Performance Indicators almost completed</p> <p>No further 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>	2012 Update and Improvement Points	Update and 2013 Improvement Points
<p>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</p>			
<p>2.1.1 Set out a clear statement of the respective roles and responsibilities of Members generally and of Senior Officers</p>	<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 • Induction programme for new elected members • Improvement Service Notebooks for new elected members • Guide to Scrutiny for elected members 	<p>Induction programme for new elected members including 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>Induction programme for new members was delivered in May/ June</p> <p>Draft revised Standing Orders include Roles and Responsibilities of Elected Members</p> <p>Series of senior managers Masterclasses has been held and further consideration being given to Leadership development programme</p> <p>2013 Action: Roll out CPD for elected members and continue to support elected member and senior management development</p> <p>Hold training session for elected members on new Standing Orders including session on Members Conduct delivered by the Standards Commission</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			
<p>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</p>	<ul style="list-style-type: none"> • Scheme of Delegation • Policies such as HR policies include delegation of powers to officers 	<p>Completion of the review of Scheme of Delegation held back until after the 2012 elections</p> <p>2012 Improvement Point: Complete Review of Scheme of Administration and Scheme of Delegation</p>	<p>Review of Standing Orders and Scheme of Delegation completed with CMT approval. Consultation with elected members taking place in May before revised SO and SoD go for approval to June Council meeting</p> <p>No further action required</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 • Peer review by Executive Directors • 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 • Regular meetings between Chief Executive and Council Leader • Annual appraisal for Chief Executive with Leader and Depute Leader • New Council Plan based on joint working between Chief Executive and Council Management Team and Council Leader and Administration agreed by Council • Chief Executive and Council Leader jointly represent the Council at various forums 	<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>As per 2.1.1 above</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>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>The roles and responsibilities of the Council's Statutory Officers are included in the revised draft Scheme of Administration</p> <p>No further action required</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 • Scottish Government guidance on the role of CSWO and registered social workers 	<p>New Monitoring Officer (Executive Director, Services to Communities) 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>As above</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 • New Council Plan based on joint working between Chief Executive and Council Management Team and Council Leader and Administration agreed by Council • Regular Joint Senior Officers and Members group meetings held 	<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>As per 2.1.1 above</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 an 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 • Auditors reviewed the outcome of the review of senior officers 	<p>No action required</p>	<p>The roles and responsibilities of the Council's Statutory Officers and elected members are included in the revised draft Scheme of Administration</p> <p>No further 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 / Improvement framework • Performance website includes details of key performance indicators • Members' quarterly briefings and reports to PPR Committee • HGIOC • Service Plans and Corporate Improvement Plan • Independent inspections • Assurance and Improvement Plan agreed with Local Area Network 	<p>No action required</p>	<p>Review of Key Performance Indicators and use of benchmarking being completed</p> <p>2013 Action: Review and revise the Improvement Framework</p> <p>Focused work with Local Area Network on an agreed programme of self-evaluation for improvement</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"> • New Council Plan based on draft approved in Jan 2012 and administration party manifestos • Single Outcome Agreement • 2011 Residents' Survey • Consultation and Engagement Strategy • Council's vision, Plan and priorities are communicated to the extended Council Management Team, including Head Teachers 	<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>Council Plan has been disseminated to staff and the public. Service Plans are to include clear links to the Council Plan priorities</p> <p>Programme to ensure that Council's vision, Plan and priorities are clearly articulated and disseminated will continue</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 • Induction programme for new elected members • Improvement Service Notebooks for new elected members • Advice provided to members on partnerships and outside bodies (e.g. Enjoy Leisure and Musselburgh Joint Racecourse Committee) 	<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>Induction programme for new members was delivered in May/ June</p> <p>Draft Standing Orders include Roles and Responsibilities of Elected Members</p> <p>CPD for elected members to be rolled – including 360 degree appraisal involving partners and stakeholders</p> <p>2013 Action: Induction programme for all members of new Community Planning Partnerships, including elected members</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 • Service Level Agreements increasingly used when funding outside organisations • Procurement Improvement Plan • Adult and Children's Services Commissioning strategies 	<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>	<p>Partnership Financial Strategy being developed</p> <p>Review of CPP completed with new more strategic structure created</p> <p>Proposals being developed for community asset transfer to Community Centre Management Committees include consideration of legal status</p> <p>No further action required</p>

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>	2012 Update and Improvement Points	Update and 2013 Improvement Points
3.1 Ensuring authority Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance			
3.1.1 Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect	<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 and feedback to staff • All FOI responses are on the Council's website • Whistleblowing Policy • Council's website has been improved and achieved positive SOCITM score 	No action required	<p>2013 Action: <i>Implement programme of action to respond to the results of the Employee Engagement Survey</i></p> <p><i>Review Whistleblowing Policy and publicise to all staff</i></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 	<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> <p>Roll out elected members' CPD to allow all members to participate</p>	<p>Partnership Financial Strategy being developed</p> <p>Review of CPP completed with new more strategic structure created</p> <p>CPD for elected members to be rolled out</p> <p>2013 Action: see 2.1.1 above</p> <p><i>Review People Strategy including the how the values from the East Lothian Way are disseminated to staff</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 • Induction programme for new elected members 	<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>see 2.1.1above</p>

3.2 Ensuring that organisational values are put into practice and are effective			
<p>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</p>	<ul style="list-style-type: none"> • East Lothian Way • Council Plan 2012-2017 • 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 	<p>No action required</p>	<p>2013 Action: Review People Strategy including the how the values from the East Lothian Way are disseminated to staff</p> <p>Implement programme of action to respond to the results of the Employee Engagement Survey</p>
<p>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</p>	<ul style="list-style-type: none"> • Standing Orders including Councillors' Code of Conduct • Gifts and Hospitality policy 	<p>No action required</p>	<p>See above</p>
<p>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</p>	<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 • Council Plan 2012-2017 	<p>No action required</p>	<p>See above</p>

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>	2012 Update and Improvement Points	Update and 2013 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 	<p>Reviews of the use of Scrutiny Guide by Audit & Governance and PPR Committees carried out in March – June 2012</p> <p>No action required</p>	<p>2013 Action: <i>Training for Audit & Governance Co and PPR Co members</i></p> <p><i>Focused work with Local Area Network on an agreed programme of self-evaluation for improvement</i></p>
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 • E-gov provides access to all reports and minutes 	<p>New e-gov system has been in place since April 2011</p> <p>No action required</p>	<p>No further action required</p>
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 and training • Discipline and Grievance Procedures • Whistleblowing Policy • Gifts and hospitality policy • 2011 Procurement Strategy 	<p>No action required</p>	<p>2013 Action: <i>Review Whistleblowing Policy and publicise to all staff</i></p>

<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 • Elected members Scrutiny Guide • Assurance and Improvement Plan agreed with Local Area Network • Quarterly briefing on performance indicators 	<p>No action required</p>	<p>2013 Action: Training for Audit & Governance Co and PPR Co members</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 • Six-monthly report on complaints and feedback made to PPR Committee 	<p>No action required</p>	<p>New 2-stage complaints procedure has been established with six-monthly performance reports to PPR Co</p> <p>No further 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 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 • Performance website and quarterly briefing for elected members 	<p>No action required</p>	<p>No further 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>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>	<p>Review of Standing Orders and Scheme of Delegation completed with CMT approval. Consultation with elected members taking place in May before revised SO and SoD go for approval to June Council meeting</p> <p>No further action required</p>
<p>4.3 Ensuring that an effective risk management system is in place</p>			
<p>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</p>	<ul style="list-style-type: none"> • Risk Management Strategy • Risk Management Groups • Role of Audit & Governance Co • Corporate and Service Risk Registers • Service Plans reflect corporate and service risks 	<p>Corporate Risk Register is being reviewed</p> <p>No action required</p>	<p>Revised Service Registers being presented to Audit & Governance Co</p> <p>No further action required</p>
<p>4.3.2 Ensure that arrangements are in place for whistleblowing to which staff and all those contracting with the authority have access</p>	<ul style="list-style-type: none"> • Standing Orders including Codes of Conduct • Whistleblowing Policy 	<p>The Whistleblowing Policy is being reviewed and contacts updated.</p>	<p>2013 Action: Review Whistleblowing Policy and publicise to all staff</p>
<p>4.4 Using the authority's legal powers to the full benefit of the citizens and communities in their areas.</p>			
<p>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</p>	<ul style="list-style-type: none"> • Senior officers and elected members have a general understanding of statutory powers • Standing Orders detail statutory powers under which senior officers operate • Monitoring Officer, s95 Officer and Chief Social Work officer provide appropriate advice • Internal and external Audit reports 	<p>No action required</p>	<p>Council responds to consultations on new legislative proposals (e.g. Children's Bill, Community Empowerment and Renewal Bill) and is actively involved in preparing for new legislation (e.g. creating shadow Health and Social Care Partnership)</p> <p>No further action required</p>

<p>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</p>	<ul style="list-style-type: none"> • Scheme of Administration including Scheme of Delegation • Monitoring Officer, s95 Officer and Chief Social Work officer provide I appropriate advice • Internal and external Audit reports 	<p>Completion of the review of Scheme of Delegation held back until after the 2012 elections</p> <p>2012 Improvement Point: Complete Review of Scheme of Administration and Scheme of Delegation then review reports template</p>	<p>Review of Standing Orders and Scheme of Delegation completed with CMT approval. Consultation with elected members taking place in May before revised SO and SoD go for approval to June Council meeting</p> <p>2013 Action: Hold training session for elected members on new Standing Orders including session on Members Conduct delivered by the Standards Commission</p>
<p>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</p>	<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 • Legal advice provided to elected members to support decision-making; for example: <ul style="list-style-type: none"> ○ Procurement ○ Coastal car park charging ○ School catchment areas 	<p>No action required</p>	<p>No further action required</p>

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>	2012 Update and Improvement Points	Update and 2013 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 • Induction programme for new elected members • Induction Notebooks on Elnet 	<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>Draft Standing Orders include Roles and Responsibilities of Elected Members</p> <p>CPD for elected members to be rolled out</p> <p>2013 Action: Roll out CPD for elected members and continue to support elected member and senior management development</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	<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 • People Strategy 	As above	<p>Series of senior managers Masterclasses has been held and further consideration being given to Leadership development programme</p> <p>Rigorous recruitment process undertaken to fill Heads of Service posts following review and adoption of new Chief Officers structure in April 2012</p> <p>2013 Action: Review People Strategy including the how the values from the East Lothian Way are disseminated to staff</p>
5.2 Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group			

<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>As above</p>	<p>See 2.1.1 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>2013 Action: <i>Focused work with Local Area Network on an agreed programme of self-evaluation for improvement</i></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>See 2.1.1above</p>
<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.</p>			

<p>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</p>	<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 • Consultation and Engagement Strategy 	<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>Consultation strategy being implemented</p> <p>New CPP structure involves greater participation from voluntary and community sector representatives</p> <p>New Local Community Planning framework being developed</p> <p>Volunteering Strategy being developed in association with VDEL</p> <p>No further action required</p>
<p>5.3.2 Ensure that career structures are in place for members and officers to encourage participation and development</p>	<ul style="list-style-type: none"> • CPDs for officers • People Strategy • Transformational Leadership Programme • Performance Review and Development for all employees 	<p>No action required</p>	<p>2013 Action: Review People Strategy including the how the values from the East Lothian Way are disseminated to staff</p>

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>	2012 Update and Improvement Points	Update and 2013 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.			
6.1.1 Make clear to all staff and the community to whom the authority's leadership are accountable and for what	<ul style="list-style-type: none"> • Council Plan 2012-2017, SOA, Corporate Improvement Plan, Service and Business Plans • Information on Executive Directors and Department responsibilities on www.eastlothian.gov.uk • Annual Performance Reports • Living newspaper 	No action required	Area based integrated service delivery model being developed New Local Community Planning framework being developed No further action required
6.1.2 Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required	<ul style="list-style-type: none"> • Various forums for engaging with stakeholders including the CPP, Local Area Forums, ELTRP, Community Councils and Parents Councils • Consultation and Engagement Strategy 	Consultation and Engagement Strategy has been agreed Draft Council Plan includes commitment to complete roll out of Local Area Forums to all wards No action required	Consultation strategy being implemented New Local Community Planning framework being developed Combined Impact Assessment has been developed with requirement to consider views of protected groups No further action required

<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 • Internal controls assurance statement 	<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>2012/13 Annual Performance Report will include report on activity of the scrutiny committees</p> <p>No further 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 • Consultation and Engagement Strategy • Complaints procedures and monitoring reports 	<p>No action required</p>	<p>New Local Community Planning framework being developed</p> <p>Combined Impact Assessment has been developed with requirement to consider views of protected groups</p> <p>2013 Action: Review consultation strategy with view to ensuring that service users' views about quality of services is measured and used effectively</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>New e-gov system has been in place since April 2011</p> <p>No action required</p>	<p>No further 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 • Consultation and Engagement Strategy 	<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>Consultation strategy being implemented; Consultation hub with feedback section has been established</p> <p>New Local Community Planning framework being developed</p> <p>Combined Impact Assessment has been developed with requirement to consider views of protected groups</p> <p>2013 Action: Introduce Combined Impact Assessment and process for identifying and monitoring the needs of minority and vulnerable groups, including Looked After Children</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 • Consultation and Engagement Strategy 	<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 • Improvement Framework 	<p>Comprehensive Annual Performance Report published on-line in October</p> <p>No action required</p>	<p>2013 Action: Review and revise the Improvement Framework, including performance reporting</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 • Performance website 	<p>New e-gov system has been in place since April 2011</p> <p>No action required</p>	<p>Consultation hub has been set up</p> <p>Consideration being given to future Residents' Survey or alternative means of surveying East Lothian citizens and service users</p> <p>No consultation on 2013/14 budget but consideration being given to future budget consultation exercis</p> <p>Service users' groups have been involved in the development of Commissioning Strategies for Adult and Children's social care services</p> <p>New CPP structure involves greater participation from voluntary and community sector representatives</p> <p>New Local Community Planning framework being developed</p> <p>No further 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 • Staff involved in HGIOC 	<p>No action required</p>	<p>2013 Action:</p> <p><i>Review People Strategy including the how the values from the East Lothian Way are disseminated to staff</i></p> <p><i>Implement programme of action to respond to the results of the Employee Engagement Survey</i></p>