

Swindon Borough Council

Standards Committee

Monday, 2 March 2015

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

Mick Bray
Kevin Parry
Eric Shaw
Vera Tomlinson
Maureen Penny (Deputy)
(Conservative)

Fay Howard
Carol Shelley
Kevin Small
Joe Tray
(Labour)

David Wood
(Liberal Democrat)

Co-opted Representatives

Mr Trevor Davies
Mr David Dawson
(Lay Members)

Mike Compton
Richard Hailstone
(Parish Representatives)

Independent Persons for Information:

Paul Morris
Keith Strickland

Committee Officer: Steve Jones (Telephone 01793 463602)
email: stevejones@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should also be declared at the start of an item or during any discussion of the matter concerned.

3. Minutes (Pages 5 - 8)

4. Public Question Time

(See explanatory note below. Please phone the Committee Clerk whose name and number appears at the top of this agenda if you need further guidance.)

5. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
7 and 8	1 and 2

6. Ethical Framework Update DLDS (Pages 9 - 54)

7. Appeal against Decision to Invoke Vexatious Complainant Policy BDC (Pages 55 - 94)

8. Ethical Compliance Report DLDS (Pages 95 - 96)

23 February 2015

Key:

DLDS - Director of Law and Democratic Services

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements - *The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

Standards Committee - Terms of Reference

The Standards Committee has the following roles and functions in accordance with Article 9 of the Council's Constitution:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommending training on any aspect of conduct and behaviour for Councillors, and officers, where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate);
- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;
- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensuring the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may

- receive an annual report on its operation
- receive monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
- adjudicate upon all complaints which remain unresolved
- require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour;

(m) reporting to the Council when it considers:-

- standards of conduct and behaviour in a particular area need reviewing, and
- the level of commitment necessary to resolve these difficulties should be greater;

(n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;

(o) recommending to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;

(p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and

(q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

STANDARDS COMMITTEE

TUESDAY, 3 FEBRUARY 2015

PRESENT:- Councillors David Wood, Michael Bray (Vice-Chair), Fay Howard, Kevin Parry, Eric Shaw, Carol Shelley, Vera Tomlinson and Joe Tray. Messrs Keith Strickland, Paul Morris, Trevor Davies, Richard Hailstone and Mike Compton.

Apologies for absence were received from Councillor Kevin Small and Mr David Dawson.

Councillor David Renard, Leader of the Council, and Gavin Jones, Chief Executive, were in attendance.

16. Declarations of Interest

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting. Councillor Joe Tray made a non-prejudicial declaration of interest in relation to Agenda Item No. 8 ("Review of Codes and Protocols"), in respect of his capacity as Local Authority appointed representative on the Fire Authority.

17. Minutes

Resolved – That the minutes of the meeting held on 20th October 2014 be confirmed and signed as a correct record.

18. Public Question Time

There were no public questions.

19. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the item listed below on the grounds that it involved the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph Nos.</u>	<u>Minute No.</u>
7	1 and 2	15

20. Question and Answer Session - Leader of the Council and Chief Executive

Councillor David Renard, the Leader of the Council, and Gavin Jones, Chief Executive, were in attendance to report to the Committee on matters relating to the Council's ethical governance framework and issues of probity and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council.

The Leader referred to specific matters raised during the course of the previous question and answer session, as recorded in the minutes of the meeting held on 27 January 2014, and confirmed that these had been addressed, where necessary, via amendments to the Council's Constitution and/or its Standards arrangements. It was his view that Council's new ethical framework had become firmly embedded in the organisation, since its introduction from July 2012, and was proving very effective.

The Chief Executive commented that the Council continued to have to contend with the implications of the combined pressures of continuing austerity and reduced financial resources, perhaps, unfortunately, for some time to come. However, he was pleased to report that, whilst the pressure on the organisation continued, and there existed the potential for organisational and relationship stress as a consequence of that pressure, there had been few, if any, significant manifestations of problems in terms of strained member/officer relationships and/or inappropriate behaviours. He advised that, since the last question and answer session with the Standards Committee, the Monitoring Officer had joined Corporate Board, and that his expertise was extremely valuable to the operation of that senior officer forum, particularly in the context of matters of ethical governance and corporate behaviours.

The Chief Executive commented on the Council's Organisational strategy, particularly in relation to expected officer behaviours and values, as articulated through the "Stronger Together" organisational vision and feeding through the appraisal and performance management systems. He was pleased with how this strategy had been adopted across the Corporate Council whilst recognising that, as with any organisational strategy, there remained room for improvement. Overall, he felt the Council had established a strong set of organisational values against which it might be held to account and that the strategy was working very well.

Following their opening remarks, the Leader and Chief Executive responded to members' questions on the following issues:

- The continuing demand on services and pressure on staff resources and the recognition and management of stress in the workplace environment.
- The success of the Council's Localities function in working alongside Ward Members to engage with local people and communities to resolve community based problems and influence corporate policies.
- The necessary contraction of service provision in response to on-going resource pressures and the management of community and individual service expectations.

Resolved – That Councillor David Renard, the Leader of the Council, and the Chief Executive be thanked for attending the meeting and for their full and open responses to members questions on matters relating to the Council's ethical governance framework and issues of probity.

21. Ethical Framework Update

The Committee received a report from the Director of Law and Democratic Services providing an update on matters relating to the Ethical Framework, including:

- Dispensations.
- A summary of Code of Conduct complaints received during the 2014/15 Municipal Year.

- Training.

A member asked as to whether a sufficient number of members had received Licensing training to ensure there is an adequate membership “pool” to be drawn upon for Licensing Panels and the Monitoring Officer agreed to report back on this issue to the next meeting.

Resolved – (1) That the Ethical Framework update be noted.

(2) That, with reference to the summary of Code of Conduct complaints, and where a complaint is made by a Borough Councillor against a fellow Councillor, the Monitoring Officer be asked to consider the appropriateness and benefit of amending the current arrangements to facilitate formal consultation with the Political Group Leaders and the Councillors concerned, to establish if an informal resolution might be achieved, and that this be considered further at the next meeting.

22. Review of Codes and Protocols

Further to Minute 14(3) and (4), the Committee received a report of the Director of Law and Democratic Services inviting members to review the following Codes and Protocols, in the light of submissions for amendment put forward following consultation with members of the Committee, relevant officers and Parish Councils, and to determine whether any changes should be made.

- Members’ Code of Conduct.
- Officers’ Code of Conduct.
- Monitoring Officer Protocol.
- Councillor Role Definitions.
- Guidance to Councillors on dealings with the media.
- Protocol of Member/Officer Relationships.
- Local Code of Governance.
- Members Planning Code of Good Practice.
- Public Question Time at Council Meetings.
- Recording, Photography and use of social media.

Resolved – (1) That the Monitoring Officer be authorised to amend and re-issue the Codes and Protocols documentation in accordance with the viewpoints endorsed by the Committee during the course of its debate of this item.

(2) That, with regard to members’ concerns about the potential for abuse of departmental “working from home” guidelines, the Head of People and Development be invited to attend the next meeting to discuss this matter and the need for standardisation of “working from home” practices across the Council.

(3) That, with regard to the protocol and guidance for Public Question Time at Council meetings, the Committee and Member Services Manager be advised of members’ position that the standard of sound equipment available in the Council Chamber should be properly maintained and fit for purpose.

23. Ethical Compliance Report

The Committee considered a report of the Director of Law and Democratic Services regarding the outcome of various ethical framework compliance matters, including the details of Whistleblowing cases and Code of Conduct Complaints received since the last Committee and the outcome of any completed investigations in relation to these.

Resolved – That the Ethical Framework Compliance report be noted.

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Ethical Framework Update

Standards Committee

Date: 2nd March 2015

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To provide an update on various matters relating to the Council's Ethical Framework, to keep the Committee informed of issues of probity in the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Welcome the Ethical Framework update and respond to the issues of probity referenced in the report.

3. Detail

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest (DPI) to apply for a dispensation to allow them to speak and vote.
- 3.2 At its meeting on 12 December 2012, the Standards Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered for a four year period. Dispensations are granted in conjunction with the Chair or the Standards Committee and are reported back to the next available meeting.
- 3.3 No dispensations have been granted by the Monitoring Officer in consultation with the Chair of the Standards Committee, since the last meeting.

Summary of Code of Conduct Complaints

- 3.4 Committee asked for an update to each meeting of Code of Conduct complaints indicating which fresh complaints from 2014/15 onwards have been made by members of the public and which have been made by a councillor.
- 3.5 The updated table is as follows:

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 2nd March 2015

Year	Complaints	No Further Action	Referred for Monitoring Officer or other Action	Referred for Investigation	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	4	4	0	4	N/A
2011/12	10	6	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	10	1	3	0	1	2
2014/15 (to date)	2*	1	-	-	-	-	1

* one of these complaints was made by a Borough Councillor

Training

- 3.6 Attached at Appendix 1 is a record of all the member training events that have taken place so far this Municipal Year, including details of councillor attendance at those events. There are no more proposed training events to be held over the remaining period of the Municipal Year, but this does not preclude any ad-hoc training events that the Committee and Member Services team may be asked to arrange before the election in May 2015.
- 3.7 Work is progressing on the Induction Programme and Member Training and Development Programme for the 2015-2016 Municipal Year. The Member Development Advisory Group will be asked to discuss and agree the training opportunities available to councillors, such as e-learning through the Local Government Association for example, and any outcomes from those discussions and their impact on member training will be reported to a future meeting of this Committee.
- 3.8 The Committee is reminded that, at present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework and chairing skills. The next session is due to take place at Liddington on 24th March assuming there are sufficient numbers

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 2nd March 2015

attending. Borough Councillors who are also parish councillors are able to attend. Parish Councillors have also been specifically invited to some planning training provided for borough councillors. In addition, parish councillors are also able to attend training sessions they have seen advertised in the Members Bulletin.

- 3.9 A copy of the summary of training provided for Town and Parish Councillors during 2014 is attached at Appendix 2.

Working From Home

- 3.10 At its meeting on 20th October, in reviewing the Council's various codes and protocols, the Committee raised concerns that some officers were not always contactable when they were working from home and asked how the working at home policy was working in practice. The Council's Head of People and Development will be attending the meeting to advise on corporate practice and guidelines in relation to "working from home" and to respond to members' specific concerns on this issue.
- 3.11 For members' information, the Council's working at home policy is attached at Appendix 3, and the Law and Democratic Services working at home policy is attached at Appendix 4.

Review of the Council's Standards Arrangements

- 3.12 At its meeting on 21st July 2014, the Standards Committee concluded its review of the Council's current "Arrangements for dealing with Member Code of Conduct Complaints". Taking into account the outcome of discussions at round table meetings between the Standards Committee and the small group of residents involved in the consultation process undertaken in support of this review, the Committee agreed a number of practical changes to be made to the Council's current procedures for handling Code of Conduct complaints (set out in Appendix 5). The revised process has been in operation since the meeting of the Standards Committee in July 2014.
- 3.13 Members are invited to consider the revised "Arrangements for dealing with Member Code of Conduct Complaints" (Appendix 6) and determine whether any further revision or "fine tuning" is required. In particular members are asked to consider whether, in cases where a complaint is made by a Borough Councillor against a fellow Councillor, the Monitoring Officer be asked to consider the appropriateness and benefit of facilitating formal consultation with the Political Group Leaders and the Councillors concerned, to establish if an informal resolution might be achieved (Minute 21 refers).

Ethical Framework Update

Standards Committee

Date: 2nd March 2015

Annual Governance Statement

- 3.14 The Annual Governance Statement (AGS) is a formal statement that recognises records and publishes an authority's governance arrangements. It is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.15 In order to provide the necessary assurance across all service areas, all Board Directors and Tier two officers will be asked to complete an assurance statement. The statement covers a number of areas including: staff; internal control arrangements and fraud risk assessments.
- 3.16 The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework for Delivering Good Governance in Local Government. The AGS explains how the Council has complied with the code and also meets the requirements of regulation 4(2) of the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment) (England) Regulations 2011 in relation to the publication of a statement on internal control.
- 3.17 The guidance for the AGS requires the Council to set out its governance arrangements and key elements of internal control and the sources of assurance; a review of the effectiveness of those governance and internal controls and a requirement to identify significant governance issues. The Council must ensure that it can provide evidence for any of the systems of internal control included in the AGS.
- 3.18 Guidance issued by CIPFA regarding the statement also recommends that a suitable independent management group should review the content of the AGS. The Council's Audit Committee will undertake this role. The Chief Executive and the Leader of the Council will sign the statement once the Audit Committee has approved it in September 2015.
- 3.19 The draft Annual Governance Statement 2013/14 is set out in Appendix 7 to this report. The process used last year, for the preparation of the Council's Annual Governance Statement, is set out in Appendix 8. The Committee is asked to review this process and reviews and identifies any additional significant control issues that it would like to be considered for inclusion in the Annual Governance Statement recommend its adoption for the preparation of this year's statement.

4. Alternative Options

- 4.1 Any alternative options are set out in the body of the report.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 2nd March 2015

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Any financial or procurement implications will be contained within the existing budget.

Legal and Human Rights Implications

- 5.2 The legal and human rights implications, where applicable, are set out in the body of the report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Links to One Swindon, Plans and Policies

- 5.4 Monitoring of issues of probity in the Council underpins the Council's plans and policies and the delivery of One Swindon objectives.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.6 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service. Arrangements for meeting the requirements of the Localism Act and monitoring probity of the Council, ensures that good governance is maintained and protects the reputation of the organisation.

6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – List of Member Attendance at Training Events 2014-2015

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 2nd March 2015

- 8.2 Appendix 2 – Town and Parish Councils Summary of Training as at 5 February 2015
- 8.3 Appendix 3 – Council’s working at home policy
- 8.4 Appendix 4 - Law and Democratic Services working at home policy
- 8.5 Appendix 5 – Review of the Council’s Standards Arrangements (Minutes extract)
- 8.6 Appendix 6 – Arrangements for dealing with Member Code of Conduct Complaints
- 8.7 Appendix 7 – Annual Governance Statement (AGS) 2013/14
- 8.8 Appendix 8 – ASG Process

	Induction Session One 23 May 2014	Induction Session Two 3 June 2014	Planning 10 June 2014	RADA – Scrutiny 17 June 2014	RADA – Scrutiny 22 September 2014	Safeguarding Adults 5 November 2014	Dementia Friends 10 November 2014	Corporate Parenting 24 November 2014	Six month review for new councillors 28 January 2015	Education Transport Appeals 11 February 2015	Total Events attended
Total Attendance	6	6	3	5	7	4	*	5	3	5	
Ali, Junab											0
Allsopp, Steve											0
Amin, Abdul										1	1
Baker, Paul											0
Ballman, John				1							1
Ballman, Ray											0
Bennett, Andrew											0
Bishop, Alan											0
Bluh, Roderick											0
Bray, Michael										1	1
Crabbe, Wayne											0
Dempsey, Mark											0
Donachie, Oliver											0
Edwards, Mark											0
Elliott, Toby											0
Faramarzi, Emma								1			1
Foley, Fionuala								1			1
Ford, Brian											0
Friend, Mary											0

	Induction Session One 23 May 2014	Induction Session Two 3 June 2014	Planning 10 June 2014	RADA – Scrutiny 17 June 2014	RADA – Scrutiny 22 September 2014	Safeguarding Adults 5 November 2014	Dementia Friends 10 November 2014	Corporate Parenting 24 November 2014	Six month review for new councillors 28 January 2015	Education Transport Appeals 11 February 2015	Total Events attended
Grant, Jim											0
Haines, John											0
Heavens, Neil											0
Heenan, Dale											0
Holland, Russell											0
Howard, Fay											0
Hurley, Richard											0
Lovell, Colin					1						1
Martin, Mary		1		1	1	1					4
Martin, Nick			1			1					2
Matthews, Cindy											0
Mattock, Brian											0
McCracken, Gemma	1	1						1	1	1	5
Moffatt, Des											0
Montaut, Derique											0
Page, Teresa											0
Pajak, Stan											0
Parry, Kevin	1				1						2
Penny, Maureen					1						1
Perkins, Garry											0

	Induction Session One 23 May 2014	Induction Session Two 3 June 2014	Planning 10 June 2014	RADA – Scrutiny 17 June 2014	RADA – Scrutiny 22 September 2014	Safeguarding Adults 5 November 2014	Dementia Friends 10 November 2014	Corporate Parenting 24 November 2014	Six month review for new councillors 28 January 2015	Education Transport Appeals 11 February 2015	Total Events attended
Renard, David											0
Richards, Ann											0
Robbins, James											0
Sewell, Nicky											0
Shaw, Eric	1	1	1					1	1		5
Shelley, Carol	1	1	1	1					1	1	6
Small, Kevin											0
Swinyard, Tim	1	1						1			3
Tomlinson, Vera					1						1
Tray, Joe											0
Wakefield, Steve											0
Watts, Nadine											0
Watts, Peter						1				1	2
Weisinger, Steve	1	1		1	1						4
Williams, Keith											0
Wood, David											0
Wright, Bob				1	1	1					3
Wright, Julie											0

* Attendance figures have not been provided by the officer running the session

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Swindon Borough Council
Town and Parish Councils Summary of Training as at 5 February 2015

Town/Parish Council	Total No. of Parish Cllrs	Current Vacancies	No. of Parish Cllrs having received ethical training	Of Total training – Numbers of attendees			Current Clerk Received training
				Facilitated by Monitoring Officer	Facilitated/arranged by Parish Clerk		
Bishopstone	9	0	8	0	Booklet on Code issued to all members		Yes
Blunsdon	17	8	8	5	5 – WALC		Yes (various WALC & SLCC)
Castle Eaton	5	0	4	4	1 - Planning training facilitated by SBC		Yes
Chiseldon	15	1	8	8	0		Various
Covingham	11	4	2	0	2		WALC Accounts and Audit Training
Hannington	5	0	0	0	5 - Planning training facilitated by SBC		Yes
Haydon Wick	18	0	13	13	3		Yes
Highworth	15	0	6	6	0		Yes
Liddington	7	1	2	2	0		Yes
South Marston	8	1	3	3	0		No
Stanton Fitzwarren	4	1	0	0	0		No
Stratton St Margaret	23	3	11	11	10 – Roles and Responsibilities facilitated by SSLC		Yes
Wanborough	11	0	11	11	0		Yes
Wroughton	15	0	14	14	5		Yes

**Swindon Borough Council
Town and Parish Councils Summary of Training as at 5 February 2015**



Working at Home Guidance

HRG 082

Human Resources Guidance

Human Resources
Civic Campus
Euclid Street
Swindon, SN1 2JH
Tel: 0800 032 5642
Fax: 01793 463498
Web:
www.swindon.gov.uk

Title:	Working at Home Guidance
Author(s):	Human Resources
Sponsor:	Director of Human Resources and Change
Endorsed by:	Operations Board Date: 22 January 2010
Review date:	February 2011
Application	This policy and procedure will apply to all Council employees with the exception of those employed within schools that have delegated powers.
This document replaces:	Pilot Homeworking – May 2008

The Context

1. Swindon Borough Council has supported and promoted a range of flexible working policies and practices for many years. These include job sharing, part time hours, term time working and annualised hours. The Council allows flexible working for many employees providing significant scope in balancing work and personal commitments.
2. Swindon New Ways of Working is about:
 - Enabling improved customer outcomes and the delivery of better, more cost effective and sustainable services in our communities by:
 - Transforming our working styles, use of technology and physical working environment,
 - So that we achieve best use of our assets, improve our working lives and achieve greater individual, team and organisational performance.
 - A fundamental part of the New Ways of Working programme is to deliver locality working. These 'locality centres' will bring together a range of staff from across the Council and partner agencies to deliver improved services to our local communities.

Introduction to Working at Home

3. Working at Home is a type of flexible working where an employee can work at home, rather than the office or at another site. There are a range of jobs suitable for working at home e.g. reading documents, using technology remotely but not all jobs are suitable for working at home.
4. New ways of working requires a change in culture and attitude amongst managers and staff, which requires training and support. Considerable investment has been made in ICT and other supporting technology to enable effective working at home. The Council is committed to providing the necessary support as it sees more flexible working as an essential part of new ways of working and service delivery. At the same time, the Council remains committed to ensuring that appropriate management and support systems are in place for all staff and in particular that the health and safety of employees is not compromised in any revised working arrangements. Some key checks and balances therefore need to be undertaken before agreeing to someone working at home. These are essential requirements to help protect the interests of the employee and the Council.

Who the guidance applies to?

5. This Guidance sets out the detailed arrangements which will be put in place in order to support more flexible forms of working for field and flexible workers. It forms part of a suite of policies and guidance in relation to new ways of working. There is no requirement for employees to work at home. The normal place of work will remain the office or site. There will be no additional payments made for office furniture and equipment, heating, lighting and insurance costs for those who choose to work at home. Travel between an employee's home and normal place of work is "ordinary commuting" and travel does not qualify for travel expenses – please refer to Travel and Subsistence Policy.
6. This guidance does not apply to staff who are permanent home workers, who work from home almost all the time but only come into the campus for occasional meetings or training. For these employees please contact Human Resources for advice as there are contractual arrangements that would apply.
7. Before working at home you must discuss this with your line manager. The first stage of the assessment needs to relate to the duties undertaken. It must be demonstrated that an individual working at home will not be detrimental to the responsiveness or quality of services.

Objectives and Benefits

8. The Council allows working at home to benefit employees and the organisation, and must be operated without prejudicing service provision, the Council's statutory duties and employee safety and welfare. As service delivery must always take priority, working at home will not be appropriate to every post in the Council.

New Ways of Working will help the Council achieve the following key outcomes:

- Refurbished physical environment which will provide a more pleasant working environment
- Improved service delivery and productivity
- Greater flexibility of working hours and ownership of your working life
- Happier employees resulting in reduced absenteeism and improved recruitment and retention
- Reduced infrastructure cost
- Multi-Agency Working in localities - Locality working is designed to meet a wide range of local needs for children and families and will provide a base for other locality working teams to touchdown or to be based from. This means residents will have easier access to services which will allow us to intervene earlier and nip potential problems in the bud.
- Reduced Carbon Footprint – less business travel as a result of the ability to work from locations closer to customers and clients

By working at home the employee can:

- Reduce commuting time and expense
- Adopt more flexible working hours
- Improve the balance between work and home commitments
- Work in an environment of choice while still meeting the needs of the service
- Work more effectively on tasks requiring high degree of concentration

Issues to consider when working at home:

- you can feel isolated
- you may miss the social side of work
- you may find that you are working longer hours to complete a task
- Neighbours, family and friends may be a distraction if they do not recognise the work commitment and the change in work-life balance may erode the clear distinction between home and work. Working at home is not a substitute for caring responsibilities.

The Proposed Working at Home Environment

9. The employee must carry out an assessment of their home environment before working at home – please refer to Appendix 1. This includes a Health and Safety assessment and can be undertaken using a checklist approach and may be possible to do on line. In addition, the employee has the right to invite an accredited trade union safety representative to carry out an inspection of their home.

The employee must discuss the completed assessment with their manager. The manager must address any risks that have been identified before the employee works at home.

10. The employee's home must be able to provide a suitable work environment. There may also be issues regarding the location of the employee's home which affect the viability of working at home e.g. whether broadband is available.
11. If the employee moves home, it will be necessary for the manager and employee to determine whether the working at home arrangement can continue from the new location. The employee would be required to complete an assessment of their new home.

Security

12. The working at home assessment must consider security measures for the purposes of the protection of equipment, electronic data and paper-based documents held and used in the home environment.

Health and Safety Issues

13. The Health and Safety at Work Act and subsequent regulations cover employees working at home as well as workplace-based employees, and include:

- The Management of Health and Safety at Work Regulations 1999
- Display Screen Equipment Regulations 1992
- Manual Handling Operations Regulations 1998
- Control of Substances Hazardous to Health 2002
- Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995

Regardless of the location, if an employee is working for the Council, they are covered by the health and safety legislation. A manager must be satisfied that any risk in the home environment has been adequately assessed and that equipment provided for work is safe to use. The employee working from home will also have a duty of care to be responsible for their own safety.

14. It must also be noted that Health and Safety have the right to visit employees working at home as well as carry out inspections in workplaces e.g. in relation to accidents at home, follow up action based on assessments etc

Equipment and Supplies

15. Employees who require use of a computer and access to Council systems in order to perform their duties will, depending on individual circumstances and the nature of their working at home arrangement, be provided with the necessary equipment.
16. The Council will not provide broadband to allow an employee to work at home. This will be the responsibility of the employee.

17. All equipment provided by Swindon Borough Council will be PAT-tested and annually thereafter. The Council will not take responsibility for any other electrical equipment, sockets or the domestic supply in the employee's home.
18. Use of Council computers for personal purposes must be in accordance with the Council's Code of Conduct and ICT & Information Security Policy and employees working at home must be made familiar with these and other relevant documents.
19. Where employees are provided with stationery equipment and supplies they should order via the normal arrangements. They will be responsible for the collection of such supplies, taking into account the considerations of safe manual handling.
20. Employees must notify any faults with equipment to their manager or the IT helpdesk on ext 4900 or 0870 0103242 (for external callers) as soon as possible who will make appropriate arrangements for repair or replacement. Employees will be required to return any equipment they have at home to the civic campus for repair.

Insurance and Taxation

21. Employees must ensure that equipment is secure and safe and that equipment in employees' cars is locked in the boot and not left unattended. Where items are left unattended in a car (or anywhere else), there is no insurance cover in place.
22. All items are insured whilst on Council premises. In the event of any claim arising, an excess of £500 is applicable and this is paid for by the Department involved.
23. It is the responsibility of the employee to notify their own insurance company (or their landlord's) of their plans to work at home in order to avoid the possibility of invalidating their home insurance policy. Appendix 2 provides an example of a standard letter to insurance providers. Appendix 3 contains a similar letter intended for mortgage providers/landlords.
24. It is extremely unlikely that there will be any change to an employee's Council Tax or any liability for business rates. Business rates could only be levied where an employee has an area of their home dedicated exclusively to their work. Where the business use of a part of the home is subsidiary to the normal domestic usage the rates should not be levied. Any queries should be addressed to the local rating authority.
25. In the rare event of an employee deciding to use a room wholly for work purposes, there may be tax implications. Further information can be found on the Inland Revenue website at <http://www.hmrc.gov.uk/>

Trial Period/Regular Reviews

26. It is important that employees working at home have regular reviews with their managers in order to ensure that the working at home arrangements operate satisfactorily for both employee and manager. New employees should have a period of time based in the office before working at home commences.

Individual Meetings

27. Managers must ensure that employees working at home have the opportunity for one-to-one meetings with them as often as other team members, and at least monthly. In this respect it may be advantageous to pre-book meetings. Meetings must not be held in the employee's home. Regular face-to-face management supervision must take place at least monthly.

Management Issues

28. A list of responsibilities relating to employees working at home is provided in Appendix 4.

Management Monitoring Procedures

29. Prior to the commencement of working at home, the employee and manager need to agree the following key areas:

- Clear work objectives and measurable work outputs
- Monitoring of performance
- Security and confidentiality issues
- Health and safety issues arising from the assessment
- Communication procedures

Setting Targets

30. The manager and the employee need to establish mutually agreed targets so that the employee is clear as to what is expected when working at home. The manager can use those targets to monitor how the employee is progressing in terms of quality and quantity of work and if they need any assistance, training or support.

Sickness

31. Sickness must be reported in accordance with the normal Sickness Reporting Procedure. Guidance and forms are available on the intranet on <http://sbcint/sicknessabsencemanagement>

Accidents

32. Accidents must be reported in accordance with the Council's Accident Reporting Procedure. Forms and guidance are available on the intranet on http://sbcint/safety/health_safety-topics/health_safety-accident_incident_management.htm

Hours Worked

33. Colleagues and managers need to know when an employee working at home is available to contact. Times when the employee cannot normally be contacted must also be made clear.
34. Normal procedures for agreeing working times and patterns should be followed for employees working at home as for other employees. Employees will be required to complete flexi-sheets where appropriate. Any extra hours worked outside the normal/agreed hours of work must be agreed in advance with the manager, and working hours must comply with the Working Time Regulations.

Learning and Development

35. Employees who choose to work at home will have equal access to learning and development as office-based colleagues. They will also be required to take part in the Council's intouch appraisal process.

Communication Procedures

36. The employee and manager also need to agree communications procedures prior to commencement of working at home, including the following where applicable:
- An appropriate system of regular communication
 - How supervision will take place and regular reviews
 - Use of technology for keeping in touch e.g. email and telephone
 - Management of personal and wellbeing needs, learning and personal development opportunities

Regular Contact

37. The manager must define how often employees working at home will attend their office and contact the office by telephone or e-mail. It is generally considered good practice to spend some time in the office on a regular basis to maintain contact with the team, colleagues and Council.
38. Employees' private home telephone numbers and home addresses must not be divulged. Although dedicated work telephone numbers may be issued.

39. Employees working at home should use the electronic outlook calendar so that colleagues and managers have access to their calendar at all times. They must also use a telephone message taking facility and apply “out-of-office” messages to their email when not working.
40. It is important to establish a system to ensure that their manager or colleagues can ascertain that they have returned safely back home from site.
41. Managers must ensure that employees working at home are kept up to date with Council developments e.g. core brief.
42. It is also considered good practice to ensure that trades unions have the same degree of access to employees working at home as to office-based employees.

Team Meetings

43. Employees working at home must attend all team meetings at times that take into account their working hours. At all times managers must ensure that working at home arrangements do not adversely affect other team members who continue with office-based working arrangements.

Termination of Working at Home

44. There may be cases where the continuation of working at homes becomes inappropriate. The Council may in certain circumstances, for either personal or operational reasons, wish to return employees to an office-based environment. Managers must discuss with employees the reason(s) behind any decision to stop working at home.

Further Advice and Assistance

45. If further advice and assistance is required this can be obtained as appropriate from the appropriate directorate of the Council e.g. IT&S Services, Facilities Management etc
46. In terms of HR issues please contact the HR First Response on ext 4343 or 0800 032 5642.

Working at Home – Law and Democratic Services
Practical bullet points

MANAGERS

- We are all supportive of home working. Make sure that you are fully aware of “The working at home Guidance document” both as a manager and as an employee who may work from home. (i.e. lead by example).
- Working at home is still fairly new for all, but there seems to be a few issues that regularly come up, so it may be worth refreshing yourself as a manager on these:
 - Remember the place of work is Swindon Borough Council not the home, therefore if this isn't working for either the employee or manager both has the right to remove working from home.
 - If you feel that the trust and confidence you had in the employee is breaking down because the employee is working from home and you are not comfortable with how it is operating, you need to identify why this is and try and resolve it before it becomes a major performance issue.
 - Agree with the employee what hours the employee is working when working from home and communicate this to team members and others who need to know.
 - When an employee is working at home, this should be as if working in the office. Accordingly, the office telephone must be put through to the home location (either to a mobile or landline) by the employee the day before the home working is operating.
 - No additional payments would be made to employees using their own home telephones or personal mobiles.
 - If the technology is not available to allow the employee to work from home then it is their responsibility to come into the office to work, remember the place of work is the Council.
 - If an employee does not have a work laptop, then check how emails are being dealt with and ensure that matters are dealt with in a DP compliant way. If the employee does not have a work laptop then check if one is needed to enable home working.
 - Remember that due to confidentiality issues, some work cannot be done at home because certain information cannot leave the Council premises therefore it must be made clear that this work has to be completed in the office.
 - Ensure output is at least as productive as in the office and demonstrably so. Review what the objectives are, put a system in place that allows you to measure output, make sure the employee communicates what work is being done at home. Remember home working needs to be output led.

- Accordingly, for 'one off' instances, agree the work that is to be done at home and monitor that this has been done. For regular working at home (eg 1 or 2 days a week), specifically agree with the employee how this should be monitored so that everyone is clear how this is operating so as to counter any perception that 'working at home' is a euphemism for a 'day off' and leaving colleagues to deal with the work needing to be done.
 - All employees (except for Legal staff – see bullet point below) who work from home, whether on a regular or ad-hoc basis, will be required to complete a monitoring form for each day that they work from home (see attached) and they should submit this to their manager. Information on times available/not available when working from home should also be logged on the form and the office notified (either by email or telephone).
 - Legal staff currently undertake monitoring via a time recording system and will therefore not be required to complete an additional form.
 - Employees who do work from home should ensure that they cover their own work and meetings and should attend section/departmental meetings on a regular basis.
 - Is the home working employee still visible to you and the team, and available to respond to general everyday issues? If not, check that other members of the team in the office are not picking up work that should be completed by the employee who is working from home.
 - Make sure the calendar is up to date.
 - Be consistent. You can't have one rule for one and another for the others
- As a manager you must lead by example and ensure you follow the same guidance. Make clear who is managing your staff if you are not available in the office. Obviously, it may be that your teams self manage but they need to know who they can go to if they are not able to contact you and again you must communicate with your staff on contactable hours etc.
 - Finally, have regular meetings with home workers. Trust plays a big part in home working and as a manager if you believe that this is being tested you must be honest with the employee and let them know that you are concerned that the service may be suffering as a result of home working. If necessary you may need to ask the employee to work in the office more to establish if this is the case. But first ask yourself if this is just because they are not visible.

EMPLOYEES

- Remember that your place of work is Swindon Borough Council not the home, therefore if this isn't working for either the employee or manager each has the right to remove working from home.

- Agree with your manager what hours you are working when working from home so that this can be communicated to team members and others who need to know.
- Put your telephone through to your home the day before you are working at home unless otherwise agreed with your manager.
- Notify your manager (or designated person) when you “log-on” / commence work and when you finish work / “log-off” at the end of the day. Also ensure that you advise your manager (or designated person) if you are to be absent / “logged-off” for any period during the working day /office hours – for example an absence to attend a Dentist’s appointment or similar. Follow the notification and recording procedure when you return to working at home. The procedure can also be followed if you intend to “move your working day”. Always advise your manger and other team members if this is your intention.
- Ensure you have the necessary equipment to effectively work at home and that matters are dealt with in a DP compliant way, and confidentiality maintained where necessary.
- Output should be at least as productive as in the office and demonstrably so. Accordingly, for ‘one off’ instances, agree the work that is to be done at home and monitor that this has been done. For regular working at home (eg 1 or 2 days a week), specifically agree with your manager how this should be monitored.
- Monitoring forms to be completed and submitted to your line manager for every day that you work from home (Legal staff currently undertake monitoring via a time recording system and will therefore not be require d to complete an additional form).

1st September 2012

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**EXTRACT FROM THE MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD ON MONDAY 21 JULY 2014**

Review of the Council's Standards Arrangements

The Committee received a report of the Director of Law and Democratic Services on the review of the Council's current "Arrangements for dealing with member Code of Conduct Complaints" and inviting the Committee to review the Council's current arrangements, taking into account the discussions at previous meetings and subsequent round tables with a small group of interested residents, and to make any changes it felt would enable complaints to be dealt with more expeditiously in terms of process.

Resolved – (1) That the members of the public and representatives of stakeholder groups who had attended previous meetings of the Standards Committee, and the subsequent round tables, be thanked for their interest and for their constructive and helpful comments on the Council's existing standards arrangements.

(2) That it be noted that the reference in the covering report to "local residents" consulted as part of the review process, included two individuals who attended as representatives of Chiseldon Parish Council.

(3) That, with reference to the summary of the main issues identified at the two round tables (appended to the report), the following be agreed:

- The initial assessment of complaints continue to be determined by a Panel of councillors with an Independent Person and Lay/Parish Representatives in attendance to give their views where appropriate.
- Assessment Panel meetings continue to be convened on an ad hoc basis
- Proceedings at the initial stage of the complaint continue to remain private and confidential and that this issue be further considered as part of the Standards Committee's annual review of the process in March 2015.
- Assessment Panel meetings continue to be held in the absence of the complainant and the respondent but both to be advised at the earliest practicable opportunity of the date when the Assessment Panel will meet to consider the complaint.
- A summary of Code of Conduct complaints received during the Municipal Year be made to each future meeting of the Standards Committee as part of the ethical framework update.
- That the current practice of no appeal from Assessment Panel decisions other than by way of judicial review be continued and that this issue be further considered as part of the scheduled review of the process in March 2015.
- Members be encouraged to continue to make themselves available to attend Assessment Panel meetings so as to enable so far as practicable the completion of the initial assessment of a complaint within a period of one calendar month from receipt of the complaint.

(4) That, with regard to the suggestion that the membership of the Standards Committee should be increased to facilitate a greater pool of members that can be

drawn upon for Assessment Panel meetings, to assist in avoiding any untoward delay in this initial phase of the process, it be noted that the membership of the Standards Committee was increased at the Annual Council Meeting in June 2014 from 6 to 9 councillors.

(5) That the Council document "Arrangements for dealing with Member Code of Conduct complaints", be amended to incorporate the textual changes agreed by the Committee (as set out in the tracked change document at Appendix 1 to these minutes).

SWINDON BOROUGH COUNCIL

Arrangements for dealing with Member Code of Conduct Complaints

1. Introduction

- 1.1 This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.
- 1.2 The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Respondent.”
- 1.3 No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

2. Making a Complaint

- 2.1 A complaint must be made in writing by post or email to: –

Mr Stephen Taylor, Monitoring Officer,
Swindon Borough Council, Civic Offices
Euclid Street, Swindon, SN1 2 JH
Tel: 01793 463012
Fax: 01793 463366
email: staylor@swindon.gov.uk
- 2.2 The standard complaint form should be used, which can be obtained from the Monitoring Officer or can be downloaded on the Council’s website, in order that all required information is included.
- 2.3 The Monitoring Officer will normally acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Respondent (and in the case of a complaint about a Town / Parish Councillor to the Clerk of the Town / Parish Council as well) with a summary of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer).
- 2.4 The Respondent may, within 5 working days of receipt of details of the complaint unless otherwise agreed with the Monitoring Officer, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Assessment Panel has issued its Initial Assessment.

3. Initial Assessment Decision

- 3.1 The Assessment Panel is a Sub-Committee of the Swindon Borough Council's ('the Council's') Standards Committee. This will be drawn from and comprise up to 4 Members of the Standards Committee. This will normally include 2 elected members and at least 1 of the Lay Members co-opted to the Standards Committee. Where the complaint is about a Parish Member, the Panel will normally include at least 1 of the Parish Members co-opted to the Standards Committee. The co-opted members will sit as assessors without a vote. The Assessment Panel will review the complaint and, after consultation with an Independent Person appointed by the Council if it considers it appropriate, take a decision (an Initial Assessment Decision) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint and will normally be sent in writing to the Complainant and the Respondent within 5 working days of the decision being made.
- 3.2 The decision process to be followed by the Assessment Panel is summarised in the flowchart attached at Annex 'A'.
- 3.3 If the complaint fails one or more of the following tests, it will be rejected:
- Whether the complaint is against one or more named Members or co-opted Members of the Council or a Town / Parish Council within the Borough.
 - Whether the Respondent was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
 - Whether the complaint, if proven, would be a breach of the Code of Conduct under which the Respondent was operating at the time of the alleged misconduct.
- 3.4 If appropriate, the Assessment Panel will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, for other action, dealt with informally, or rejected:
- Sufficiency of Information – Is there sufficient information or evidence provided with the allegation? If it is clear that substantiating evidence may be available, but has not been provided, the Assessment Panel may ask for that additional evidence, but the onus is on the complainant to ensure all relevant information is included.
 - Seriousness of the Complaint – Is the complaint Trivial, vexatious, malicious, politically motivated or 'tit for tat'? Are the resources / cost involved in investigating and determining the complaint wholly disproportionate to the allegations?
 - Duplication – Is the complaint substantially similar allegation has previously been made by the Complainant to Standards for England,

or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority?

If a single event gives rise to similar complaints from a number of different complainants, wherever possible these complaints will be considered at the same meeting of the Assessment Panel, but will be determined individually.

- Length of Time – Did the events or behaviour to which the complaint relates take place more than 6 months old? Does the time lapse involved mean that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now? Such allegations are only likely to be considered in exceptional circumstances, such as where the conduct relates to a pattern of behaviour which has recently been repeated.
- Public Interest - Would the public interest or any public benefit be served in referring the complaint for investigation or other action? For example, it may be not in the public interest where the member has died, resigned or is seriously ill. Similarly, if the member has offered an apology or other remedial action. If it is clear that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error, and the matter would not warrant a more serious sanction.
- Anonymous- Is it anonymous? Such complaints will not normally be entertained unless there is additional documentary evidence to support the complaint and it is sufficiently serious to consider.
- Other Action – Whether the complaint can be dealt with best by informal resolution, including training or conciliation.
- Wider Application – Does the complaint have wider applications, such as suggesting a wider problem throughout the Authority or Town / Parish Council?

4. Additional Information

- 4.1 The Assessment Panel may require additional information to come to a decision and may request information from the Respondent, in accordance with a specified timetable. Where the complaint relates to a Town / Parish Councillor, the Assessment Panel may also inform the Clerk of the Town / Parish Council of the complaint and seek the views of the Clerk of the Town / Parish Council before deciding whether the complaint merits formal investigation or other action.
- 4.2 In appropriate cases, the Assessment Panel may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Respondent accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Respondent or the authority (in appropriate cases) make a

reasonable offer of local resolution, but it is rejected by the Complainant, the Assessment Panel will take account of this in deciding whether the complaint merits formal investigation.

- 4.3 The Respondent whose behaviour is the subject of the complaint may seek the views of an Independent Person appointed by the Council.

5. Criminal Conduct

- 5.1 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

6. Confidentiality

- 6.1 If a Complainant has asked for their identity to be withheld, this request will be considered by the Assessment Panel at the Initial Assessment stage.
- 6.2 Unless the Assessment Panel otherwise agrees, the Respondent will be given a summary of the complaint but will not normally be told the identity of the Complainant at the Initial Assessment stage. The identity may subsequently be released in the event of an investigation, however, in exceptional circumstances, the Assessment Panel may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.
- 6.3 If the Assessment Panel decides to refuse a request by a Complainant for confidentiality, they may offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed.

7. Investigation

- 7.1 The Monitoring Officer will appoint an Investigating Officer where a complaint merits formal investigation. The Investigating Officer may be a Council officer, an officer of another Council, or an external investigator.
- 7.2 The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints and shall agree a timetable for the investigation with the Monitoring Officer. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.
- 7.3 The Investigating Officer will ensure that the Respondent receives a copy of the complaint subject to the Assessment Panel's decision on Confidentiality.

- 7.4 At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Respondent for comments, which should normally be submitted within 5 working days of receipt of the draft report. The Investigating Officer will take such comments into account, before issuing the final report to the Monitoring Officer.

8. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct

- 8.1 The Assessment Panel in consultation with an Independent Person, will review the Investigating Officer's report. If they are satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.
- 8.2 The Monitoring Officer will write to the Complainant and the Respondent (and to the Clerk of the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report.
- 8.3 If the Assessment Panel are not satisfied that the investigation has been conducted satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion.

9. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

- 9.1 The Assessment Panel will review the Investigating Officer's report and will then after consulting an Independent Person **either** seek a Local Resolution **or** refer the matter for a Hearing.

10. Local Resolution

- 10.1 If the Assessment Panel considers that the matter can reasonably be resolved without the need for a hearing, it will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action.
- 10.2 If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Town / Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Respondent refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Hearing without further reference to the Complainant or the Respondent.

11. Hearing

- 11.1 Where, in the opinion of the Assessment Panel, Local Resolution is not appropriate or the Complainant and/or Respondent refuse to co-operate

in any Local Resolution, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

12. Pre-Hearing Procedure

- 12.1 Prior to the convening of a Hearing Panel the Monitoring Officer will issue the forms annexed to these Arrangements (Annex B) to the Complainant and Respondent for completion by them to facilitate the pre-hearing process and the preparation for the Hearing. The Monitoring Officer will then ask the Investigating officer to comment on the responses. The Hearing Panel will then be convened to consider the responses, and any comment from the Investigating Officer, and finalise the arrangements for the Hearing.

13. Constitution of the Hearings Panel

- 13.1 The Hearings Panel is a Sub-Committee of the Council's Standards Committee. This will comprise at least 5 Members of the Standards Committee. This will normally include at least 1 of the Lay Members co-opted to the Standards Committee, and where the complaint is about a Parish Member, the Hearings Panel will normally include at least 1 of the Parish Members co-opted to the Standards Committee. The co-opted members will sit as assessors without a vote.
- 13.2 The Independent Person may be invited to attend all meetings of the Hearings Panel and his or her views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Respondent's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

14. The Hearing

- 14.1 The Hearing will be conducted in accordance with the 'Practical Arrangements for the hearing of the Standards Committee' attached as Annex C.

15. Right to Representation

- 15.1 The Complainant and the Respondent may be represented or accompanied during the hearing by a solicitor, barrister, or (with the permission of the Panel) another person.
- 15.2 The Complainant and Respondent should meet their own costs of such representation, unless the Council has otherwise agreed.

16. Legal Advice

- 16.1 The Panel may take legal advice from its Legal Advisor at any time during the hearing or while it is considering the outcome. The substance of any

legal advice given to the Panel should be shared with the Complainant and the Respondent, and the Investigator, if they are present at the hearing.

17. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct

17.1 Where a Hearings Panel find that a Member has failed to comply with the Code of Conduct, the Hearings Panel may impose any one or a combination of the following sanctions:-

- censure the Respondent;
- request the Respondent to submit a written apology in a form specified by the Panel;
- request the Respondent to undertake such training as the Panel may specify;
- request that the Respondent participates in such conciliation as the Panel may specify;
- report to the relevant Council on the outcome of the hearing with an appropriate recommendation;
- advise the Leader of the Council and/or Leader of the Political Group to which the person belongs, of the outcome of the hearing in order that they can consider what appropriate disciplinary or other action should be taken, taking into account any relevant case law, which could include:
 - Formal letter of censure from them;
 - Formal censure of members e.g. through a motion at Council or Committee of the Council;
 - Securing the removal of a member from cabinet / committees;
 - Issuing a press release setting out the outcome of the hearing;
 - The withdrawal of facilities
- such other sanction as may be permitted under the law.

18. Revision of these arrangements

18.1 The Monitoring Officer may amend or depart from these arrangements where s/he considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

19. Appeals

19.1 There is no right of appeal available against a decision on a Code of Conduct complaint, except through the courts by way of judicial challenge.

July 2014

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SWINDON BOROUGH COUNCIL

DRAFT ANNUAL GOVERNANCE STATEMENT: 2013/14**1. Scope of responsibility**

Swindon Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having a regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE *Framework for Delivering Good Governance in Local Government*. This statement explains how the Council has complied with the code and also meets the requirements of the Accounts and Audit (England) Regulations 2011 in relation to the publication of a statement on internal control.

2. The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised, and to manage them efficiently, effectively and economically.

The following section of the statement summarises Swindon Borough Council's governance framework that has been in place for the year ended 31st March 2014 and up to the date of approval of this Statement and the Statement of Accounts. The framework described reflects the arrangements in place to meet the six core principles of effective governance.

3. The Council's framework for ensuring compliance with the core principles of effective governance:**(a) *The Council's purpose, outcomes for the community and creating and implementing a vision for the local area.***

The central premise of One Swindon involves shifting the balance of power, responsibility and resources away from the public sector bodies such as the Council to local people.

There was an extensive engagement programme working with partners / officers / members to build on One Swindon to reach a point where partners, Boards, Cabinet and Full Council could agree the principles, high level priorities. One Swindon was launched in January 2011 and set out the following priority areas:

- We can all benefit from a growing economy and a better town centre
- I like where I live
- Everyone is enjoying sports, leisure and cultural opportunities
- Living independently, protected from harm, leading healthy lives and making a positive contribution

The Council recognised that it needed to change to respond to these challenges and in response developed 'Stronger Together' which redesigned the structure of the Council so that it is based around 'Commissioning' 'Delivery' and 'Localities'.

The Council's Corporate Strategy (adopted in November 2012) translates One Swindon, Stronger Together and our very challenging and radically changing context into the Council's Priorities for the next three years.

Many of the Council's services are informed by local consultation and are delivered to a high standard that make the best use of resources evidenced by:

- Working increasingly with our partners and Council wholly owned subsidiaries i.e. Swindon Commercial Services Ltd and Forward Swindon Ltd, delivering services that meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice.
- Through the use of data, determining local needs and targeting resources accordingly.
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions.
- Carrying out value for money benchmarking of our costs and performance against our family groupings to ensure best use is made of the resources available to the Council.

(b) *Members and Officers working together to achieve a common purpose with clearly defined functions and roles.*

The Council has ensured that the necessary roles and responsibilities for its governance are identified and allocated so that it is clear who is accountable for decisions that are made. The Council has done this by:

- Appointing a Leader of the Council who in turn appoints executive members (cabinet members), with defined executive responsibilities.
- Agreeing a scheme of delegated executive responsibilities to directors, and protocols that make clear the respective roles of members and officers and ensure effective communication between them.
- Annually appointing committees to discharge the Council's regulatory responsibilities.
- Annually appointing committees to discharge the Council's overview and scrutiny responsibilities.

- Setting clear role definitions for chairs of committees and councillors in their different roles.
- Undertaking an annual review of the operation of the Council's constitution.
- Making the Chief Executive (the Head of Paid Service) responsible and accountable to the Council for all aspects of operational management.
- Making a senior officer (the Monitoring Officer) responsible to the authority for ensuring the lawfulness and fairness of decision-making, and that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- Making a senior officer (the Section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- Ensuring significant partnerships and contracts with other public bodies, voluntary and community organisations, and the private sector have clear governance accountabilities, including effective and equitable financial arrangements.
- Having in place effective and comprehensive arrangements for the scrutiny of services.

(c) *Promoting our values and upholding high standards of Conduct and behaviour.*

The Council promotes and maintains high standards of ethical conduct of members and officers through the work of its Standards Committee.

The Council fosters a culture of behaviour based on shared values, ethical principles and good conduct.

The Council has done this by establishing and keeping under review:

- The Council's Constitution
- A Members' Code of Conduct
- An Officer's Code of Conduct
- A protocol governing Member/Officer Relations
- A Members' Planning Code of Good Practice
- Monitoring Officer Protocol
- Media Guidelines
- Contract Standing Orders and Financial Regulations
- The Council has set a Behavioural Framework which outlines what is expected from employees to achieve excellence.

The Council takes fraud and corruption very seriously and has the following policies that aim to prevent or deal with such occurrences:

- An Anti-Fraud and Bribery strategy
- A Whistleblowing policy
- A Fraud Response Plan

Conduct of Members is monitored by a Standards Committee, which also investigates allegations of misconduct by Members.

(d) *Taking informed and transparent decisions that are subject to effective scrutiny and managing risk.*

The Council has ensured that the decision-making process includes a rigorous risk assessment including:

- Financial, legal and staffing implications
- Sustainability implications
- Health Impact and Promotion implications
- Value for Money
- Implications for Partnerships
- Implications for Community Safety
- Impact on Rural Communities.
- Diversity and racial impact assessment
- Risks, mitigations and opportunities

The Council has been rigorous and transparent about how decisions are taken and recorded. The Council has:

- Ensured the Cabinet make decisions in an open and transparent way and that information relating to those decisions is made available to the public, unless statutory rules provide otherwise
- Ensured that all decisions of regulatory committees of the Council are made in public and that information relating to those decisions is made available to the public, unless statutory rules provide otherwise
- Ensured that legal and financial implications are recognised in all reports on which decisions are based
- Recorded all decisions that are made by committees and executive decisions made by Lead Members and officers (where applicable).
- Rules and procedures, which govern how decisions are made.
- Developed and maintained an effective overview and scrutiny function which encourages constructive challenge
- Maintain an effective Standards Committee and Audit Committee

The Council has continued to develop its risk management strategy to enable the Council to manage and control risks in order to maximise the quality of its service provision and uphold its reputation and the achievement of best value.

The Council has ensured that the risk management system:

- Formally identifies and manages risks
- Involves elected Members in the risk management process
- Includes the undertaking of a risk assessment of every key or strategic decision
- Reflects business continuity planning; and

- Reviews and, if necessary, updates its risk management processes at least annually.

(e) *Developing the capacity and capability of Members and officers to be effective.*

The Council has ensured that those charged with the governance of the Council have the skills, knowledge and experience they need to perform well. The Council has done this by:

- A comprehensive induction process is run for Members including compulsory training for those on regulatory committees, together with regular training sessions during the year.
- Maintaining member training and development through the Member Development Steering Group
- Developing leadership skills of senior management
- Developing our approach to workforce planning
- Maintaining and developing our personal development and performance review systems
- Cascading regular information to Members and staff by paper and electronic means, having regard to diversity issues

(f) *Engaging with local people and other stakeholders to ensure robust public accountability.*

The Council is committed to increasing public involvement in decision-making and devolving power to individuals and local organisations. We have sought and responded to the views of stakeholders and the community. The Council has done this by:

- Forming and maintaining relationships with the leaders of other organisations
- Ensuring openness and accessibility to citizens, service users and staff, including partner organisations
- Utilising an appropriate range of consultation methods
- Developing the localities agenda and making use of local forums at ward, parish and neighbourhood level to maintain communication with all the Borough's communities and other stakeholders and make decisions on devolved matters
- Encouraging and supporting the public in submitting requests for Scrutiny
- Maintaining and reviewing an effective complaints procedure

4. Review of effectiveness

Swindon Borough Council annually reviews the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by executive managers within the authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

Board Directors and relevant Heads of Service have completed a detailed questionnaire reviewing the control environment within their directorate and the results

of the questionnaire have been used to help inform our assessment of significant control issues for the Council.

The following process has been applied in maintaining and reviewing the effectiveness of the system of internal control. Both in-year and year-end reviews processes have taken place.

In year review mechanisms include:

- The Executive is responsible for considering overall financial and performance management and receives comprehensive reports on a regular basis. It also receives reports relating to risk management and monitors the corporate risk register, as well as being responsible for key decisions and for initiating corrective action in relation to risk and internal control issues.
- The terms of reference for the Audit Committee reflect CIPFA guidance best practice. The Committee is a full committee of the Council emphasising the commitment to ensuring that there are high standards of internal control within the Council. The Committee is responsible for reviewing the financial performance, risk management, has an oversight of Treasury Management and both, Internal and External Audit performance and their findings and recommendations.
- The Board Director: Resources role as Section 151 Officer has been assessed by Internal Audit against CIPFA's statement on the Role of the Chief Financial Officer in Local Government. It was found that the requirements of the CIPFA statement are being met.
- A self-assessment of the Head of Internal Audit's role has been assessed against CIPFA's statement on the Role of the Head of Internal Audit in Public Service organisations. It was found that the requirements of the CIPFA statement are being met.
- Key Information Governance roles and responsibilities have also been defined and allocated, including the SIRO, Information Governance Lead and Information Asset Owners. Responsibility for Information Governance in the Council rests with the Board Director: Resources who acts as the Senior Information Risk Owner. The establishment of the SIRO is one of several measures to strengthen controls around information governance and to raise the profile of (and embed) information risk management into the overall culture of the organisation. An Information Governance/Security Working Group was established in 2013/14 to review the Council's compliance with the NHS Information Governance Toolkit. An action plan was produced and implemented following an initial assessment of performance against the toolkit requirements. A further self-assessment against the toolkit identified the Council as having achieved Level 1 compliance. An action plan to achieve Level 2 compliance has been produced and is being progressed by the Group. There have been a number of successful areas of development in 2013/14, including a successful Public Sector Network (PSN) submission in January 2014 and publication of the Council's Information Governance and Security Policy. Information Security training via e-learning continues to be delivered to new and existing staff and is a mandatory requirement for connection to the Council's IT network and handling of information assets. A draft ICT strategy that sets out a proposed Information Governance structure for the Authority as well as setting strategic direction for IT and Information Management for the Authority is in place. Further work is now required to build on existing arrangements, including developing and publishing supporting Information Governance and Management strategies, policies, procedures and management arrangements. Work will also be

required to embed the newly defined Information Governance roles and responsibilities in the organisation. Work is underway to refresh Information Governance and Security policies and to develop Information Risk Management and record management arrangements.

- Information security incidents are managed as part of the Council's information governance processes. There have been no serious breaches of the Data Protection Act in 2013/14".
- Internal Audit is an independent and objective assurance service to the management of the Council who complete a programme of reviews throughout the year to provide an opinion on the internal control environment in the areas examined. Their reviews include examination of the main financial systems, enabling them to provide the Section 151 Officer with an overall opinion on the main financial controls in place as well as risk management, internal control and governance arrangements across the authority. The Head of Internal Audit's opinion for 2013/14 is that there are satisfactory internal control arrangements in place resulting in a 'moderate' risk to the Council. In addition the Section undertakes fraud investigation and proactive fraud detection work. Internal Audit report to each Audit Committee summarising audits finalised since the previous meeting. Audit Committee has called in relevant Directors to update them on the progress in implementing agreed audit recommendations. The Audit Committee also reviews the effectiveness of the Council's system of internal audit including an assessment against the Public Sector Internal Audit Standards (PSIAS). The latest review found the system of internal audit to be effective and that the requirements of the PSIAS were being largely met and an action plan is in place to address any outstanding issues.
- Both Cabinet and the Audit Committee considered the External Auditor's Annual Audit letter in 2013/14. The Annual Audit letter gives an opinion on the Council's financial statements and provides a value for money conclusion. The External Auditor identified no material issues in their audit of the financial statements and issued an unqualified audit opinion on the Council's financial statements and on its arrangements for securing value for money in 2012/13.
- A Corporate Governance Working Group, consisting of both Members and officers including the Monitoring Officer, reviews the effectiveness of the Council's corporate governance arrangements by reference to the CIPFA/SOLACE corporate governance standards and other best practice. The Group has streamlined the Council's decision-making process ensuring that agreed decisions could be implemented promptly and some decision making has been devolved locally. It has also looked at devolving some powers to localities and how this can be achieved.
- The Council has also adopted a Local Code of Corporate Governance.
- Risk Management – the Head of Risk Management leads the development of the risk management strategy and the Corporate Risk Register is regularly updated in consultation with Corporate Board and presented to both Cabinet and Audit Committee.
- The Council's Performance Framework is led by the Head of Business Services and Support the framework includes the Business Review process. Business Reviews are carried out quarterly at Corporate Board and these are used to review risks identified either through performance, Internal Audit or through the Corporate Risk Register.

A year-end review of governance arrangements and the control environment has also been completed which included:

- Obtaining assurances from all Board Directors and Heads of Service that key elements of the control framework were in place during the year in their departments. They were also asked to identify areas where control weaknesses had resulted in a significant issue arising for the department.
- Reviewing the Head of Internal Audit's annual audit report presented to Audit Committee.
- Obtaining specific assurances from Heads of Service with regard to the governance arrangements in place for key partnerships.

The review has identified that a number of the areas included in last year's statement have progressed sufficiently for them not to be included as areas of focus in this year's statement:

- Museum Storage – an Internal Audit review identified issues regarding storage and security. The security issues have largely been addressed whilst there are wider plans to address the issues regarding storage as part of the new cultural area for Swindon.
- Management of Major Property Projects – an Internal Audit review identified issues regarding a lack of clear roles and accountabilities regarding the management of major property projects. Following the re-integration of SCS and services formerly delivered by Capita Symonds back into the Council a Property function review has sought to bring stronger alignment and integration under a newly appointed Head of Assets. This is to drive out service area improvements, customer focus outcomes and improved value for money.

5. Governance: Key Areas of Focus

The review process has highlighted a number of significant areas for enhanced focus regarding the governance and internal control environment and these are described briefly below. For each one, action plans have been determined by a responsible officer and are under implementation or are in the process of being prepared and a summary of the key elements of these are included below:

- **Information governance and security** – improvements have been made during 2013/14, including the establishment of an Information Governance/Security working group. A draft ICT Strategy is now in place that will be presented to Cabinet in June and which sets out a proposed information governance structure as well as setting a strategic direction for ICT and Information Management. A successful Public Sector Network submission was made in January 2014 and compliance with level 1 of the NHS Information Governance Toolkit has also been achieved. Key information governance roles and responsibilities have also been defined and allocated, including the Senior Information Officer (SIRO), Information Governance Lead and Information Asset Owners. Further work is required to build on existing arrangements, including developing and publishing supporting information governance and management strategies, policies, procedures and management arrangements. Work will also be required to embed the newly defined information governance roles and responsibilities in the organisation.
- **Financial relationships with wholly owned subsidiaries** – Swindon Borough Council are the sole shareholder of Thamesdown Transport Ltd (TT) and Swindon Commercial Services Ltd (SCS). There are close financial links between the

Council and both companies, which mean there is a degree of inter-dependence. SBC funds some subsidised routes and pays reimbursements for concessionary fare usage to TT and has entered into an arrangement to “buy out” the company’s local government pension scheme deficit, with resulting payments due each year from the company to the Council. Recent trading conditions have led the company to request deferring some of these payments, for the foreseeable future, in order to reduce cash-flow burdens. SBC has lent around £8m to SCS for the capital purchase of a plant to convert waste into fuel, thereby reducing the Council’s landfill burden. The company’s future profit levels are critical to ensuring repayment of the loan within the period of the contract between the Council and the company for treatment of household waste. The plant is nearing the final period of commissioning and the company’s trading position is therefore currently difficult to predict. For these reasons, it is important that the Council retains a particularly close oversight of the financial performance of its subsidiaries at this time, as part of its overall financial risk management arrangements.

- **Ofsted inspection** - the Ofsted inspection of services for children in need of help and protection, children looked after and care leavers includes six separate judgements. One third of the judgements were good and two thirds were requires improvement to be good (RI). Swindon’s overall judgement was RI. Of the 17 Local Authorities inspected to date, 35% have been judged good, 47% RI and the rest, inadequate. The report identifies thirteen areas of strength and sixteen areas for improvement. There are four strategic priorities:
 - Strengthen the electronic case management system, ICSA and the ICT infrastructure
 - Ensure caseloads are manageable
 - Translate the excellent work at strategic level of child sexual exploitation into the highest quality frontline practice across the social work service
 - Further strengthen quality assurance

A draft improvement plan has been prepared for cabinet consideration. The plan is subject to an Ofsted challenge session in early July. Once finalised the implementation of the plan will be monitored internally by QPR and Overview and Scrutiny. The Local Safeguarding Children Board will provide external scrutiny and challenge

- **Swindon Commercial Services reintegration** - the Special Committee determined on 5th July 2013 that Swindon Commercial Services Limited (SCS) be refocused on a narrow range of markets in Waste Treatment, Renewable Energy and the operations of DW Dunn Ltd. It also agreed that the majority of the services SCS provided to the Council, including approximately 500 staff and infrastructure involved (‘the undertaking’), be transferred back to the Council with a challenging target date for staff to transfer under TUPE arrangements by 1 November 2013. This was referred to as Phase 1 of the programme.

This change involved a significant diversion of resources to enable a smooth transition of Highway, waste and recycling collection, street cleaning, grounds maintenance, cemeteries and crematorium, construction, repairs and supporting services to transfer back to the Council and integrate with the Council’s corresponding client teams (rather than function as a direct service organisation). A number of officer work-streams were set-up to manage the change programme and this was supported by a cross-party Cabinet Member Advisory Group (CMAG) to advise the officer project team.

Phase 1 of the programme (TUPE) was completed on 1 November 2013 as planned without any significant impact to services or staff.

Phase 2 of the programme has focused on integrating the operational and support teams, to design the most effective and efficient service delivery. Any changes through organisational restructure had to meet the needs of the future service. The staff consultation process for the restructure of services was completed on 4 February 2014; these changes are currently being implemented and to date efficiency savings of £2m have been achieved.

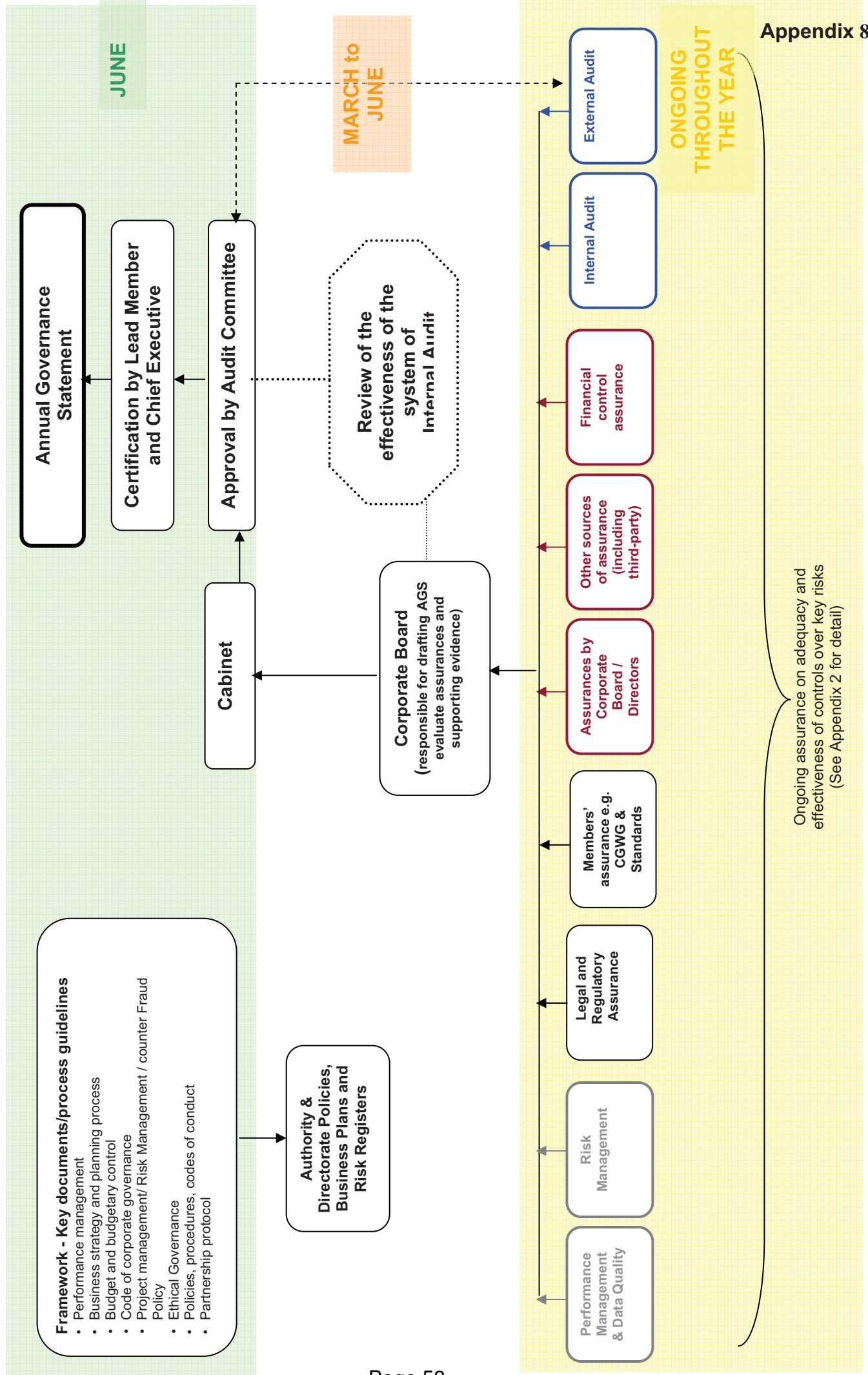
- ***Capacity and Capability in the context of large scale change*** – the Council continues to go through large scale change in order to meet the increasing demand for its services and the reduction in Government funding. This has involved working more closely with our partners through One Swindon, restructuring the Council through Stronger Together and the development of a Transformation Hub. However, there is a risk that there may be insufficient organisational capacity to focus on the change required to meet the ever increasing demands.
- ***Council Leisure Services*** - Council leisure services have been judged independently to be delivering a VFM service that is driving up activity among our residents at a faster rate compared to other LA's. 25% of residents (Dec 2012) participating in 3x30 minutes of activity per week. However the independent assessment also found that further increases in participation were unlikely to be driven via our leisure facilities. Despite driving value from our facilities the Council is providing a significant subsidy (differential between expenditure and income) to the service. Members are seeking a solution for Leisure facilities which enables: Elimination of the Council revenue subsidy; Transfer of backlog maintenance liability outside of the Council; Transfer to a company whose ethos and approach will support residents to be fit and healthy; Medium to long term sustainability for the facilities; Securing additional investment into the estate.

Action taken to date includes: soft market testing undertaken to ascertain whether market conditions/third party operators (commercial or not for profit) would be interested in the estate and if so, would they be able to meet the conditions that would secure the Members aspirations set out above; Borough wide consultation with residents and service users on the proposed approach for the future of the facilities; Invitation and then detailed evaluation of bids to operate the facilities leading to recommendations to appoint a preferred bidder(s) to be considered by Cabinet on 25/6/14.

6. Certification

To the best of our knowledge, the governance arrangements, as defined above, have been effectively operating during the year although we recognise the areas for additional focus identified in section 5. We are satisfied that these enhancements will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

ANNUAL GOVERNANCE STATEMENT FRAMEWORK (FLOWCHART)



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Agenda Item 7

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 8

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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