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**Date: 3rd December 2014**

Dear Sir/Madam,

A meeting of the **Audit Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 10th December, 2014** at **10.00 am** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## A G E N D A

- 1 To receive apologies for absence.
- 2 Declarations of Interest.  
Councillors and Officers are reminded of their personal responsibility to declare any personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- 3 Minutes of the Audit Committee Meeting held on 10th September 2014 (Minute nos. 1-16).

To receive and consider the following reports: -

- 4 Regulation of Investigatory Powers Act 2000 (RIPA).
- 5 Procedure Relating to School Based Complaints.

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- 6 Social Services Representations and Complaints Procedure Activity.
- 7 Regulator Proposals for Improvement Progress Update.
- 8 ICT Services Disaster Recovery Arrangements.
- 9 Caerphilly County Borough Council Partnerships and Collaborations.
- 10 Annual Governance Statement.

To receive and note the following information items:-

- 11 Officers Declarations of Gifts and Hospitality.
- 12 Whistleblowing Policy.
- 13 Forward Work Programme.
- 14 Minutes of Corporate Governance Review Panel - 18th July 2014.

**Circulation:**

Councillors Mrs E.M. Aldworth, Mrs K.R. Baker, D.G. Carter, N. Dix, J.E. Fussell, N. George, D. Havard (Vice Chair), C. Hawker, S. Morgan, Mrs G.D. Oliver, J.A. Pritchard and D. Rees (Chair)

Lay Member – Mr N.D. Yates

Auditors - Ms S.J. Byrne (PriceWaterhouseCoopers LLP), Mr I. Davies (PriceWaterhouseCoopers LLP), Mrs L. Pamment (PriceWaterhouseCoopers LLP), Ms J. Joyce (Wales Audit Office) and Ms N. Jenkins (Wales Audit Office)

And Appropriate Officers.



## AUDIT COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN, YSTRAD  
MYNACH ON WEDNESDAY 10TH SEPTEMBER 2014 AT 10.00 A .M.

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PRESENT:

Councillor D. Rees - Chair  
Councillor D. Havard - Vice Chair

Councillors:

Mrs E.M. Aldworth, Mrs K. Baker, D. Carter, N. Dix, C. Hawker, Mrs G.D. Oliver,  
J.A. Pritchard.

Lay Member - Mr N. Yates

Together with:

N. Scammell (Acting Director of Corporate Services and Section 151 Officer), G. Hardacre (Head of Workforce and Organisational Development), C. Jones (Head of Performance and Property), S. Harris (Interim Head of Corporate Services), R. Hartshorn (Head of Public Protection), D. Jones (Health and Safety Manager), A. Price (Interim Deputy Monitoring Officer), D. Gronow (Service Auditor) and C. Evans (Committee Services Officer)

Also present:

Ian Davies, Lynn Pamment (PricewaterhouseCoopers)

### 1. APOLOGIES

Apologies for absence were received from Councillors J. Fussell, N. George and S. Morgan.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

### 3. MINUTES - 11TH JUNE 2014

RESOLVED that the minutes of the meeting of the Audit Committee held on 11th June 2014 (minute nos. 1 - 17; page nos. 1 - 9) be approved as a correct record and signed by the Chair.

## **REPORTS OF OFFICERS**

Consideration was given to the following reports.

### **4. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000**

Angharad Price, Interim Deputy Monitoring Officer, provided Members with an overview of the report, which highlighted the number of covert operations undertaken by the Council in accordance with the provisions of the Regulation of Investigatory Powers Act 2000.

It was reported that there was one RIPA operation undertaken by the Authority for the period June to end of August 2014.

A Member sought further details on the process and accountability. The Officer referred to the Corporate Policy, which outlines the process. The Monitoring Officer is in receipt of the applications and records their details. The Regeneration and Environment Scrutiny Committee are provided with details of the actions taken.

Members thanked the Officer for the report and noted its contents.

### **5. UPDATE ON THE IMPLEMENTATION OF THE COUNCIL'S CORPORATE COMPLAINTS POLICY**

Angharad Price, Deputy Interim Monitoring Officer, provided Members with a detailed report which updated on the number of complaints received under the Corporate Complaints Policy for the period February to mid July 2014 and sought the approval of Members that, in addition to the six monthly reports received, an Annual Report on the Corporate Complaints Policy be presented to the Audit Committee going forward.

The report provided the Audit Committee with an update on the use of the Policy and Procedure to deal effectively with unacceptable, persistent or unreasonable actions by complainants and to monitor the corporate complaints received in order to provide information on the level of satisfaction of the services provided corporately by the Council.

Members noted that the result of the monitoring enables each department to focus on areas of concern, to improve services and to monitor performance and ensure that any trends in issues raised are identified and dealt with so as to be avoided in the future and ensure that corporate complaints are dealt with consistently and fairly across all service areas.

Members thanked the Officer for the detailed report and sought further information on the complaints processes for Education and Social Services. The Officer highlighted that Schools and Social Services Departments hold separate Complaints Policies, which deal with complaints that are relevant to their service area only. Details of the complaints are reported to the Council and the Welsh Government.

Members requested that a report on the Complaints Processes within Education (relating to Schools) and Social Services Departments be presented to the Audit Committee.

Members raised concerns around the monitoring of the complaints. Officers assured Members that there are processes in place to effectively deal with these complaints, however, if a complainant is not satisfied that the complaint has been dealt with appropriately, they are entitled to contact the Ombudsman.

Following discussion, it was proposed that Members request Internal Audit Service to conduct a review on a random sample of complaints within the Social Services and Education Departments to ensure that the processes and procedures are being correctly followed.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report: -

1. Members noted the contents of the report and;
2. Members agreed that Committee will receive an Annual Report on the Corporate Complaints Policy following the expiry of the current year on 31st March 2015.

## **6. OFFICERS DECLARATIONS OF GIFTS AND HOSPITALITY**

Gareth Hardacre, Head of Workforce and Organisational Development, presented the report, which advised of the gifts and hospitality declared by Officers for the period 1st April to 30th June 2014.

Members were asked to note the list of Gifts and Hospitality received by Officers of the Council during this period, which was presented as Appendix A of the report. The Head of Workforce and Organisational Development would continue to monitor the returns and work with Heads of Service to improve their understanding and corporate compliance to the policy.

Members thanked the Officer for the report and discussion ensued. Clarification was sought on the Members Declaration process. Officers highlighted that the report demonstrated the declarations made by officers and separate process was in place for Members declarations. Members were asked to seek the advice of the Monitoring Officer or Democratic Services, if there were specific issues they would like clarified.

Following discussion, Members agreed that this item would be presented on future agenda's as an information item, and would be required to be called forward for discussion.

The Audit Committee noted the contents of the report.

## **7. BUSINESS CONTINUITY MANAGEMENT**

Robert Hartshorn, Head of Public Protection, and Donna Jones, Health and Safety Manager, provided the Audit Committee with an overview of the report, which updated on the Business Continuity Management Arrangements within the Council.

The Audit Committee considered the Business Continuity Management arrangements being implemented across the Council on the 5th March 2014. The report provided an update on the three-stage process.

Members were asked to note that Business Impact Analysis have been completed across the whole organisation. Risk Assessments have and are being undertaken, but due to the volume there has been some slippage against the anticipated timetable.

Donna Jones, Health and Safety Manager provided the Committee with details of the business continuity planning in schools, as requested by Members at the March meeting.

The report provided details of the lessons learned resulting from the situation at Cwmcarn High School. Members noted that the Education Directorate have reviewed their Emergency Planning and Education Continuity Arrangements and via the Health and Safety Division, have undertaken a programme of developing Emergency Response Plans for each school in the County.

The Chair thanked the Officers for the detailed overview of the Report and discussion ensued. Members sought further information on the Asbestos situations within the Schools across the Borough. Officers made assurances that there is not another school within the borough with Asbestos issues such as Cwmcarn, and further improvement works are being conducted within schools to reduce the risk further. Detailed registers of the location and nature of Asbestos are logged; both on a database and a register within schools and adequate budgets are available in order to tackle the issues.

Members raised concerns over the major server failure experienced throughout the Authority and the impacts on key and public services. Officers explained that upgrade works were planned over the course of a weekend, which took longer than anticipated. IT staff were working to ensure that key applications were online as quickly as possible to ensure business continuity, however, the incident did demonstrate the Authority's reliance on IT and a need to consider back up arrangements. It was noted that considerations on system sharing options are being considered with Newport City Council.

Members sought further information on the appendix and the "not completed" actions. Officers highlighted that there was a considerable amount of work to be conducted by members of the Emergency Management Team, as a result, it is anticipated that the Business Continuity Plans will be completed by 31st March 2015.

Following detailed discussions, Members were happy to note the contents of the report and requested an information report on the lessons learned and contingency plans for IT systems within Caerphilly County Borough Council.

## **8. ANNUAL FINANCIAL AUDIT OUTLINE**

Lynne Pamment, PricewaterhouseCoopers LLP (PWC), provided the Audit Committee with an overview of the report, which sets out for consideration, the matters arising from the audit of the financial statement of Caerphilly County Borough Council for 2013-14, that require reporting under ISA 260.

PWC are responsible for undertaking the financial statements audit work and provide an opinion on whether the financial statements give a true and fair view of the financial position of Caerphilly County Borough Council at 31st March 2014 and the income and expenditure for the year then ended.

Members noted that the draft financial statements for the year ending 31st March 2014 were received by PWC, the following areas of work were outstanding:

- Senior Officer pay disclosures
- Completion of work on valuation of property, plant and equipment including council dwellings properties-
- Completion of testing on certain income and expenditure and balance sheet items
- Whole of government accounts
- Completion procedures
- Management representation letter

The Chair thanked PWC for the detailed report and invited Nicole Scammell, Acting Director for Corporate Services and S151 Officer to provide comment on the outstanding items of work.

Members were asked to note that a meeting was held with PWC to discuss the findings within the report. The Auditors had highlighted that there were a number of assets that had not been formally valued in the last 5 years, they had however been uplifted for movements in building cost indices in previous years. Members were assured that the issue is being addressed.

In reference to Logotech, a fixed asset register system, which calculates the asset revaluation movement and depreciation charge for the year, the Auditors had identified issues with the calculation method used by the system. The Authority is in the process of querying these errors with the suppliers of Logotech.

Members queried the implications of the undervaluation identified by the Auditors. Officers assured Members that there was no financial impact to the Authority, in that it would not affect the Authority's ability to borrow or have implications on insurance premiums. The process is an accounting exercise, however, if the accounts do not quantify, it can reflect badly on the Authority.

The final statement of accounts is to be completed by 24th September in order to be presented at Council on 29th September 2014.

The Audit Committee thanked the Officers for the report and explanations and requested that feedback on the Logotech system outcome be reported back to the Committee.

## **9. AUDIT OF FINANCIAL STATEMENTS REPORT**

Lynne Pamment, PricewaterhouseCoopers LLP (PWC), provided the Audit Committee with an overview of the report, which outlined details of the Audit of Financial Statements by the Appointed Auditor.

Members noted that the external auditor conducted an Audit, the purpose of which was to examine and certify whether the financial statement of Caerphilly County Borough Council were 'true and fair' and assess whether proper arrangements for securing economy, efficiency and effectiveness of the use of resources are in place.

The Audit Committee noted the contents of the report.

## **10. CORPORATE RISK MONITORING**

Colin Jones, Head of Performance and Property, provided the Audit Committee with a progress update on the implementation of the Corporate Risk Register in accordance with the recommendations to Audit Committee at the meeting on 17th September 2013.

Members noted that, for some time Corporate Management Team (CMT) had identified and monitored the council's key corporate risks. Monitoring arrangements have been strengthened following the introduction of the Risk Management Strategy. CMT now monitor the Council's Corporate Risks on a monthly basis and report progress to Cabinet on a 6 monthly basis. A programme of Risk Management training has been introduced for members commencing with Audit Committee (30th October 2013). Cabinet Members have also received training.

Members thanked the Officer for the report and discussion ensued with Members seeking further information on the Risks within the Risk Register. Reference was made to the impact on Waste Management Service Continuity and Target Achievement and Members were asked to note that a consultation process has been conducted, the outcome and resolution for the collection prescription is to be determined by the Welsh Government. There is a potential for an increase in cost to the Local Authority to address the issues, however, further information would be provided to Members when available.

In reference to the Corporate Governance Arrangement, Members sought an update on the progress made to reduce the Risk to the Authority. Officers assured Members that significant changes have been made to the processes and procedures, as identified within the Corporate Governance Action Plan (CGI), which have contributed to the mitigation of Risks to the Authority.

Councillor Dave Rees requested further commentary in future reports on the high Risks within the Register, the impacts they could have on the Authority and the plans to mitigate the Risks.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report the Audit Committee accepts the Corporate Risk Register update as part of their ongoing commitment to regularly reviewing the register.

## **11. REVIEW OF RISK MANAGEMENT STRATEGY**

Colin Jones, Head of Performance and Property, provided the Audit Committee with an update on progress of the implementation of the Risk Management Strategy.

It was noted that, at its meeting on 17th September 2013, the Audit Committee accepted the Council's new Risk Management Strategy and supporting Guidelines, which were subsequently approved by Cabinet on the 2nd October 2013.

The report afforded the Committee the opportunity to satisfy itself that appropriate arrangements were in place for the council's risk management processes to be regularly and robustly monitored and scrutinised.

Members have a critical role to play in evaluating the council's risk management arrangements and in particular understanding how the council identifies, manages and, where possible, mitigates/ removes risk. Risk Management is crucial to the effective delivery of council services.

The Audit Committee considered the report in detail and were assured that the Risks are considered at Management level, by Heads of Service and escalated to Corporate Management Team (CMT) and as a result, the Committee were satisfied that robust processes are in place to mitigate and manage the impact of Risk.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report: -

1. The Audit Committee noted the progress on the implementation of the Risk Management Strategy as described in paragraph 4.6;
2. The Audit Committee noted that a Risk Management Group has not been established, for the reason(s) described in paragraphs 4.4 and 4.5 and endorse this approach.

## **12. INTERNAL AUDIT SERVICES ANNUAL AUDIT PLAN**

Nicole Scammel, Acting Director of Corporate Services, and Deborah Gronow, Service Auditor, presented the Audit Committee with an overview of the report, which provided Members with an operational view of the Audit work plan for 2014/15 that was approved in March 2014.



The Internal Audit Section is required to present an annual audit plan to the Audit Committee, which outlines the deployment of staff on identified audit projects in line with available resources and operational priorities. In previous years the approach to the plan was broadly the same and the plan was based on a 5 year rolling plan based on Strategic Plan/ Risk Assessment previously approved by Cabinet. The 2014/15 Plan was presented and approved by the Audit Committee in this format in March 2014.

Members noted that the report outlined suggested changes following the Corporate Governance Inspection and as a result, the scope and focus of the plan was broadened. It is considered that this will be an evolving process and will develop further in future years.

The Audit Committee thanked the Officers for the opportunities to play a part in the change in the Internal Audit Process. The Committee raised concerns about the staffing levels within the Department and the increased workload as a result of the expanded scope.

In relation to Disclosure and Barring Service (DBS) checks, The Audit Committee discussed the requirement for Officers and School staff to obtain a check, and queried whether it was a requirement for Governors and the cost to the Authority. Officers clarified that there is a cost to the Authority for the checks, however schools may pay separately. It was added that the Wales Audit Office (WAO) have conducted a review of Safeguarding, the results of which are being finalized and Members would be updated accordingly.

The Audit Committee noted the contents of the report.

### **13. INTERNAL AUDIT SERVICES: AUDIT CHARTER**

Deborah Gronow, Service Auditor, provided Members with an overview of the report, which sought approval for the updated Internal Audit Charter.

The Public Sector Internal Audit Standards requires the Internal Audit Section to have a charter. The existing charter was revised and updated and the report outlined the revisions and updates that were made, along with the reasons for the revisions.

Members noted that the existing Internal Audit Charter, which was previously agreed by the Audit Committee and introduced in 2008, was need of updating. As a consequence of the introduction of the Public Sector Internal Audit Standards and to address an issue identified during the CGI review of Internal Audit Services, amendments required were to reflect changes in the focus and direction of internal auditing.

Members considered the report and appendices and sought further information around the relationship between the Chair of the Audit Committee and the Internal Audit Team, it was expressed that a close working relationship between the two parties was required in order to maintain effective services. Officers agreed with this and it was proposed that the wording within the Charter would be revised.

Following detailed consideration, the Audit Committee endorsed the revised Charter, with consideration for the amendment to wording and noted the report.

### **14. REVIEW OF TERMS OF REFERENCE**

Nicole Scammel, Acting Director of Corporate Services, provided Members with an overview of the report, which provided an opportunity to review the Terms of Reference for the Audit Committee. Members noted that this is a requirement following the implementation of the Local Government Measure 2011 and as a result of the Council's internal review of governance arrangements.

The Audit Committee considered and reviewed the previously agreed Terms of Reference, which were presented as an Appendix to the report.

Following detailed discussion and consideration, the Audit Committee was happy to endorse the Terms of Reference of the Committee and noted the report.

## **15. FORWARD WORK PROGRAMME**

Members considered the Forward Work Programme and reports scheduled for future meeting dates.

A member requested further details on the Corporate Engagement Strategy and how it implemented throughout the Authority for key issues. Officers highlighted that the request may be more appropriately discussed the Policy and Resources Scrutiny Committee. It was agreed that the Terms of Reference of the Committee would be clarified.

## **16. INFORMATION ITEMS**

The Committee received and noted the following information items:-

- (1) Internal Audit Services- Annual Outturn Report;
- (2) Certificate of Compliance for the Audit of Caerphilly County Borough Council's 2014-15 Improvement Plan;
- (3) Minutes of Corporate Governance Review Panel – 14th May 2014.

The meeting closed at 12.46 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 10th December 2014, they were signed by the Chair.

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CHAIR



## AUDIT – 10TH DECEMBER 2014

**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000**

**REPORT BY: INTERIM MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To advise Members of the numbers of covert surveillance operations undertaken by the Council in accordance with the provisions of the Regulation of Investigatory Powers Act 2000.

### **2. LINKS TO STRATEGY**

- 2.1 The Council is under an obligation to comply with legislative requirements - this report helps to achieve that.

### **3. THE REPORT**

- 3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) sets out strict controls for public authorities wishing to carry out covert surveillance of individual members of the public as part of their exercise of their statutory functions. In addition to the Act, advice and guidance is found within the Codes of Practice issued by the Home Office.
- 3.2 The Authority has a corporate policy, which provides guidance on how surveillance should be used by the relevant officers.
- 3.3 Public Authorities undertaking covert surveillance of individual members of the public are subject to inspection by an Assistant Surveillance Commissioner or by a Surveillance Inspector (or in some cases both).
- 3.4 The Appendix to the Report includes details of the RIPA operations undertaken by the Authority for the period September to October inclusive. There has been one RIPA operation undertaken in this period.

### **4. EQUALITIES IMPLICATIONS**

- 4.1 None, the report is for information only.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 None.

### **6. PERSONNEL IMPLICATIONS**

- 6.1 None.

## **7. CONSULTATIONS**

7.1 None. The report is for information only.

## **8. RECOMMENDATIONS**

8.1 None. Members note the information provided.

## **9. REASONS FOR THE RECOMMENDATIONS**

9.1 To ensure compliance with statutory requirements.

## **10. STATUTORY POWERS**

10.1 Regulation of Investigatory Powers Act 2000.

Author: Gail Williams, Interim Monitoring Officer (willige@caerphilly.gov.uk)  
Consultees: Nicole Scammell, Acting Director of Corporate Finance

Appendices:  
Appendix 1 Details of RIPA Operations

## **Appendix 1**

### **RIPA Investigations**

**September to October (inclusive)**

#### **Trading Standards**

1. Investigation into sale of alcohol and tobacco products to minors.

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## AUDIT – 10TH DECEMBER 2014

**SUBJECT: PROCEDURE RELATING TO SCHOOL BASED COMPLAINTS**

**REPORT BY: CUSTOMER SERVICES/COMPLAINTS OFFICER (CSCO), EDUCATION & LIFELONG LEARNING**

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### 1. PURPOSE OF REPORT

- 1.1 To provide Members with information on the Complaints Process within Education relating to Schools.

### 2. SUMMARY

- 2.1 Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales, including nursery schools, to establish and implement and publish procedures for dealing with complaints from parents, pupils, members of staff, governors, members of the local community and others. The provisions of Section 29 came into force on 1 September 2003.
- 2.2 The Local Authority (LA) is able to choose what advice it provides to governing bodies. In the case of CCBC, the Customer Services/ Complaints Officers provide advice, support and training to school governors, head teachers and school staff in dealing with complaints
- 2.3 The LA is able to consider if there is any evidence that suggests a governing body is failing in its statutory duty.

### 3. LINKS TO STRATEGY

- 3.1 Monitoring of school complaints assists the LA in providing targeted support to schools in terms of advice and monitoring

### 4. THE REPORT

#### Background

- 4.1 In 2002 the Local Education Authority assisted schools by producing a model policy called "How to get it right". The majority of schools within the Borough adopted this model. It was based on the provisions of Section 39 of the Schools Standards and Framework Act 1998 which covered the establishment of complaints procedures in schools.
- 4.2 In May 2004 the Welsh Assembly Government issued Guidance to Schools in Wales in the form of Circular 03/2004, School Governing Complaints Process. Caerphilly Council produced a model policy for schools to consider and the majority adopted it.

4.3 In October 2012, Welsh Government (WG) updated its guidance to schools on complaints procedures and published Circular 011/2012 Complaints procedures for school governing bodies in Wales. This guidance replaced the circulars above and included a model complaint procedure, which was recommended to schools to adopt. The complaints process is accessible to all including pupils, who have the right to make a complaint themselves. Schools have an age appropriate version for pupils that they can use.

#### 4.4 **Why do schools need a complaints procedure?**

4.4.1 Schools like other organisations need a structure or process that allows for anyone with an interest in the school to raise a concern, with the confidence that it will be heard and if well founded, addressed in an appropriate and timely fashion.

4.4.2 It is very important that governing bodies have a clear and comprehensive policy on how complaints will be dealt with. This allows everyone to understand the process from the start. Treating complaints seriously and responding to them quickly often means that they can be resolved at an early stage.

4.4.3 In essence, it provides a framework that allows:  
Anyone with an interest in the school is clear how they can express complaints and how they will be responded to at each stage.  
School staff and governors to be clear about their roles and responsibilities in responding to complaints.

4.4.4 Schools to learn lessons and improve procedures as a result of the cases it deals with and monitor long-term trends.

4.4.5 All parties to be assured of a consistent, documented approach.

#### 4.5 **The A, B, C. Approach to Complaints Resolution**

4.5.1 WG recommends that governing bodies establish a 3-stage procedure:

- Stage A – Informal Stage - Complaint raised with (and usually resolved) by first recipient within the school.
- Stage B – Formal Stage - Matter referred to Headteacher for investigation, decision and resolution.
- Stage C – Complaints hearing - Matter referred to the Governing Body Complaints Committee for consideration, decision and resolution.

#### 4.6 **Roles and Responsibilities**

4.6.1 The governing body is responsible as a corporate body to ensure that the school has a published complaints process. To ensure that personnel at each stage of the process are aware of their roles and responsibilities.

4.6.2 The governing body has a strategic role in monitoring complaints presented to them as an overview in the Annual Report. This allows for the identification of long-term trends and recurring themes.

4.6.3 The individuals at the respective stages have roles in investigating, documenting (keeping appropriate records) and resolving complaints.

4.6.4 All parties must behave reasonably and treat the process and parties involved with respect.

4.6.5 Complainants must allow the school to try to resolve the complaint at each stage, and not try to circumvent stages, and to co-operate with the school in providing information so that a complainant can be investigated and heard.



#### 4.6.6 **Local Authority (LA)**

The LA has a role in satisfying itself that schools have a complaints process and that it is published. The complaints policy is one of the schools statutory policies and was scheduled by the Education Achievement Service for South East Wales (EAS) on all governing body agendas following the production of the revised guidance from WG in October 2012.

The LA is able to choose what advice it provides to governing bodies. In the case of CCBC, the Customer Services/ Complaints Officers provide advice, support and training to school governors, head teachers and school staff in dealing with complaints.

The LA is able to consider if there is any evidence that suggests a governing body does not have a complaints procedure, has inadequate procedures or fails to follow its published procedure.

The LA may arrange, with the agreement of the governing body, for a panel of independent persons to consider a complaint where a school complaint procedure is inoperable or if there are grounds to cast doubt on its independence.

The LA may use its powers of intervention under the Schools Standards and Framework Act 1998 if the governance or management of a school is inadequate.

#### 4.6.7 **Welsh Government (WG), Public Services Ombudsman for Wales (PSOW), Children's Commissioner for Wales (CCfW).**

If WG receives a complaint about a school it will advise that the complaint should be addressed to the school for consideration under the schools complaints process.

The PSOW has no role with respect to school complaints.

The CCfW provides an advice and support service for children and young people. The CCfW does not take the place of governors or of governing body complaints procedures. However the Commissioner may examine individual cases and in the course of that action may require information, explanations and assistance from governors, LA officers and members, and school staff. The Commissioner may produce reports with recommendations but does not have the power to require their implementation, although can publicise any failure to do so.

#### 4.7 **Review of Data**

4.7.1 The data below relates to the period **01 April 2013 – 31 March 2014**.

4.7.2 In total **629** requests for service were received that were related to schools and include not only parents contacting the CSCO direct but Headteachers and governors requiring support in dealing with the complexities of the complaints, as well as general enquires. In accordance with WG Guidance, this authority has due regard to the governing body's statutory duty for dealing with school complaints.

4.7.3 Target times for responses are: correspondence should be acknowledged within 5 working days and a full substantive response within 20 working days. **99.7%** were acknowledged within timescales and **100%** were responded to within timescales.

4.7.4 Types of complaints are wide ranging, for example: bullying, head lice, split year groups, failure to educate, outdoor play, school trips, unauthorised absence.

4.7.5 The CSCO monitors correspondence and where there are trends or areas of particular concern, these are shared with relevant officers and acted upon as appropriate.

4.7.6 Monitoring also informs trends for the CSCO to develop appropriate training programmes for Headteachers, school staff and governors in managing school complaints

## **5. EQUALITIES IMPLICATIONS**

- 5.1 Monitoring of school complaints is one tool that provides the Local Authority with an alert into cases of alleged discrimination under the Equalities Act 2010 directed at schools.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications associated with this report

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications associated with this report.

## **8. CONSULTATIONS**

- 8.1 All comments received have been recorded in the report.

## **9. RECOMMENDATIONS**

- 9.1 It is recommended that the Audit Committee note the contents of this report and related documentation.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To monitor the complaints process as it relates to schools.

## **11. STATUTORY POWER**

- 11.1 School Standards and Framework Act 1998.

Author: Mary Hougham, Customer Services/Complaints Officer  
Kim Davies, Customer Services/Complaints Officer

Consultees: Sandra Aspinall, Deputy Chief Executive- Acting, Tony Maher, Assistant Director Planning and Strategy, Keri Cole, Assistant Director, Learning, Education and Inclusion, Bleddyn Hopkins, Assistant Director, Our School's, Our Future, Tanis Cunnick, Manager - Community, Youth Service & Adult, Gareth H Evans, Business Development Manager, Library Services & Community Centres, Donna Jones, Service Manager Health, Safety & Welfare.

Background papers:

Corporate Complaints Report presented to Audit Committee 10<sup>th</sup> September 2014

Report to All Governing Bodies on Revised Complaints Procedures

A Revised Model Complaints Process- October 2012



## AUDIT – 10TH DECEMBER 2014

**SUBJECT: SOCIAL SERVICES REPRESENTATIONS AND COMPLAINTS  
PROCEDURE ACTIVITY**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 To provide the Audit Committee with information on the operation of the Social Services Directorate's Representations and Complaints procedure and the subsequent reporting processes.

### **2. SUMMARY**

- 2.1 The Directorate's Customer Services Team deals with complaints and representations relating to Social Services.

#### **2.2 Complaints**

- 2.2.1 On 1st August 2014, new guidance on the handling of complaints by Social Services Directorate's across Wales was introduced by the Welsh Government. This guidance replaces the previous guidance, 'Listening and Learning' and supports the implementation of the Social Services Complaints Procedure (Wales) Regulations 2014 and Representations Procedure (Wales) Regulations 2014.
- 2.2.2 The revised procedure sees the dismantling of the Welsh Government stage 3 Panel Hearing that was available to complainants who remained dissatisfied after a formal stage 2 investigation, with complainants now having the right to progress to the Ombudsman on the completion of a stage 2 investigation. The following stages now apply to Social Services complaints:-

**Stage 1 (Local Resolution)** - The majority of complaints are dealt with in this way and most are concluded without the need for a formal investigation. Staff are required to observe established procedures, timescales and best practice at all times.

**Stage 2 (Formal Investigation)** - Investigations at this stage are undertaken by an externally commissioned Investigating Officer and there are statutory time limits for completion of the investigation. The complainant receives a full response detailing findings, conclusions and recommendations. The Guidance allows for complainants to progress their concerns directly to formal Stage 2 investigation if they so wish.

**Stage 3** - If a complainant is not satisfied with the outcome of a formal investigation at Stage 2 they can request that their complaint progresses to the Local Public Services Ombudsman for Wales. Complaints investigated by the Ombudsman's office result in a report to the Local Authority in which the Ombudsman may make recommendations. In cases where the Ombudsman concludes that maladministration has taken place, the report is made public and the Directorate's Customer Services Manager and relevant Operational Managers will attend

the Local Authority Standards Committee to offer a full explanation.

### **3. LINKS TO STRATEGY**

- 3.1 Annual Council Reporting Framework (ACRF) – The Director's Annual Report on the Effectiveness of Social Services.
- 3.2 Adult and Children's Services Service Improvement Plans
- 3.3 The Social Services and Well-being (Wales) Act 2014

### **4. THE REPORT**

- 4.1 Appendix 1 is the 2013-14 Annual Report presented to the Health Well Being Scrutiny Committee in May 2014 and covers the representations and complaints activity for the period 1st April – 31st March 2014 under the Listening and Learning Guidance.
- 4.2 Training on the revised complaints process is currently being delivered by the Customer Services team to all staff within the Directorate of Social Services, to ensure that complaints are dealt with in line with statutory guidance.
- 4.3 The revised complaints process is now available to the public on the Local Authority's website and to the staff of the Local Authority's intranet.
- 4.4 Leaflets on the new complaints process are now available to the public to ensure that people have the relevant information and contact details to enable them to access the complaints process.
- 4.5 The Directorate's Senior Management Team receives a weekly complaints and representations report produced by the Customer Services Team.

### **5. EQUALITIES IMPLICATIONS**

- 5.1 The Customer Services Team continues to respond to issues of equality by ensuring that all complaints are dealt with in a consistent manner and by responding to complainants in accessible formats to suit their individual needs.

### **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications arising from this report.

### **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications arising from this report.

### **8. CONSULTATIONS**

- 8.1 There are no consultation responses.

### **9. RECOMMENDATIONS**

- 9.1 Audit Committee Members are asked to note the content of this report.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To ensure that the Audit Committee is informed of the complaints process applied to the Social Services Directorate.

## **11. STATUTORY POWER**

- 11.1 Welsh Government's guide to handling complaints and representations by Local Authority Social Services
- 11.2 Health and Social Care (Community Health and Standards) Act 2003.
- 11.3 Fostering Services (Wales) Regulations 2003.
- 11.4 Children Act 1989 Guidance and Regulations.
- 11.5 The Social Services and Well-being (Wales) Act 2014

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Consultees: Social Services Senior Management Team  
Cllr. R. Woodyatt, Cabinet Member for Social Services

Appendices:  
Appendix 1 2013-14 Annual Representations and Complaints

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## HEALTH SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE – 13TH MAY 2014

**SUBJECT: 2013/14 ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### 1. PURPOSE OF REPORT

- 1.1 To provide the HSC&WB Scrutiny Committee with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1 April 2013 to 31 March 2014.

### 2. SUMMARY

- 2.1 Representations and complaints relating to Social Services are dealt with by the Directorate's Customer Services Team.

#### 2.2 Representations

- 2.2.1 A representation is a request for information or a referral for a service made by a third party (including Elected Members) on behalf of another person.

#### 2.3 Complaints

- 2.3.1 The Social Services complaints procedure follows the Welsh Government 'Listening & Learning Guidance' introduced in April 2006, which has three stages: -

**Stage 1 (Local Resolution)** - The majority of complaints are dealt with in this way and most are concluded without the need for a formal investigation. Staff are required to observe established procedures, timescales and best practice at all times.

**Stage 2 (Formal Investigation)** - Investigations at this stage are undertaken by an externally commissioned Investigating Officer and there are statutory time limits for completion of the investigation. The complainant receives a full response detailing findings, conclusions and recommendations. The Listening & Learning Guidance allows for complainants to progress their concerns directly to formal Stage 2 investigation if they so wish.

**Stage 3 (Welsh Government Panel Hearing)** - If a complainant is not satisfied with the outcome of a formal investigation at Stage 2 they can request that their complaint progresses to Stage 3 of the complaints process. The matter is then referred to the Welsh Government who will direct a Panel to oversee the process.

- 2.3.2 Where a complainant remains dissatisfied at the end of the complaints process, they can refer the matter to the Local Public Services Ombudsman who provides an external independent service to consider complaints about all Local Authority services, including Social Services. This results in a report to the Local Authority in which the Ombudsman may make

recommendations. In cases where the Ombudsman concludes that maladministration has taken place the report is made public and the Directorate's Customer Services Manager and relevant Operational Managers will attend the Local Authority Standards Committee to offer a full explanation.

2.3.3 The Welsh Government has been consulting with Local Authorities, Health Boards and other interested bodies, on a review of the current arrangements that govern the way that complaints are handled by Social Service Departments across Wales. It is expected that the new complaints guidance will be operational from June 2014. There are two significant changes to the current guidance, these being:

- the cessation of the Stage 3 Panels, with complainants being advised that they can progress to the Ombudsman's office following a Stage 2 investigation.
- the Ombudsman will have that authority to investigate complaints regarding Private Provider services including Domiciliary and Residential Care.

### **3. LINKS TO STRATEGY**

3.1 Annual Council Reporting Framework (ACRF) – The Director's Annual Report on the Effectiveness of Social Services.

3.2 Caerphilly County Borough Council's Public Engagement, Participation and Consultation Strategy 2011 – 2014.

### **4. THE REPORT**

4.1 This report provides details of representations and complaints activity for the period April 2013 to March 2014.

#### **4.2 Representations**

4.2.1 During 2013/14, 120 representations were received. The majority of these were from elected members, MP's and AM's, on behalf of their constituents, of which 99 (82.5%) related to Adult Services, 21 (17.5%) to Children's Services and 0 (0%) to the Directorate's Service Strategy and Business Support service area.

4.2.2 The number of representations received by Adult Services during 2013/14 has increased from 80 in the previous year (2012/13) to 120. Of the 120 representations received in the period 2013/14, 44 related to the withdrawal of the cleaning service funded by Supporting People.

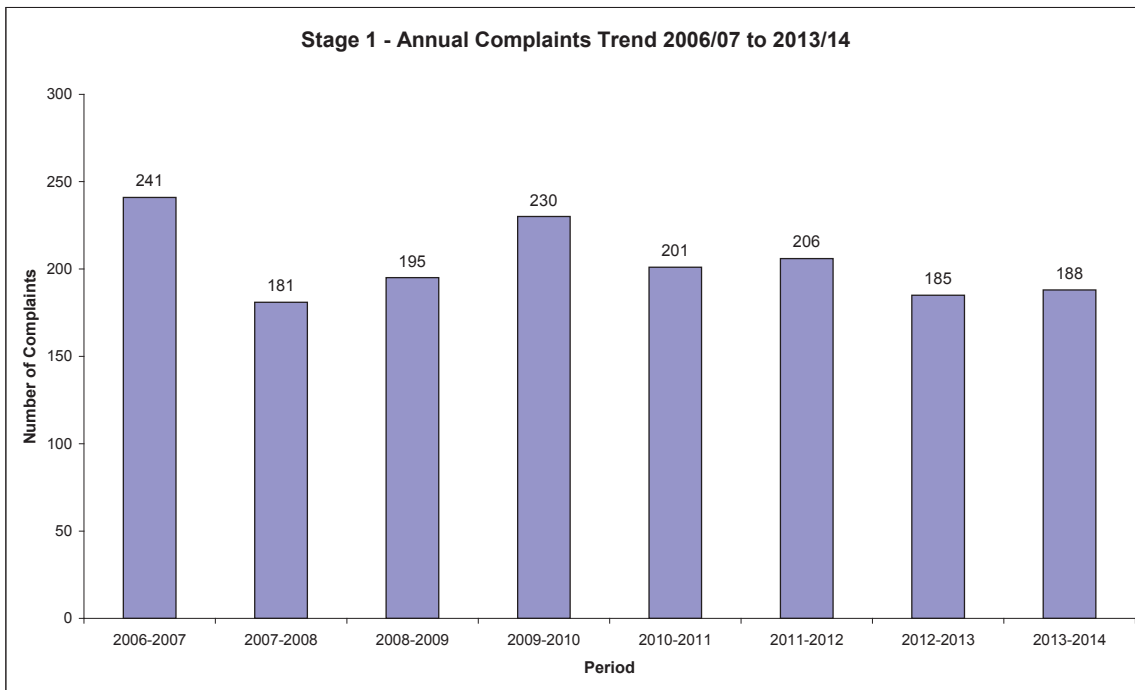
#### **4.3 Complaints – Stage 1**

4.3.1 During 2013/14 the Directorate received 188 Stage 1 complaints and 6 complaints that customers wished to progress directly to Stage 2. The majority of the complaints were resolved to the customer's satisfaction at Stage 1.

4.3.2 Of the 188 complaints received at Stage 1, 107 (57%) to Children's Services, 79 (42%) related to Adult Services and 2 (1%) to Service Strategy and Business Support.

4.3.3 The following graph illustrates the trend of Stage 1 complaints received and responded to by the Directorate since the implementation of the Listening and Learning Guidance in April 2006.





4.3.4 The Customer Services Team receives complaints from a range of sources and these are detailed below for 2012/13: - (the figures include the 6 complaints that progressed directly to Stage 2 of the process).

- Telephone (93)
- Letter (36)
- Elected Members / AM's / MP's (5)
- E-mail (31)
- Complaints form (21)
- Visit (8)

4.3.5 The above information demonstrates the Directorate's commitment to improving communication with its customers by accepting and responding to complaints in the customer's chosen media.

4.3.6 The Customer Services team record whether complaints are upheld, partially upheld or not upheld. This enables the Directorate to note themes and trends from the findings of complaints and to act on isolated incidents of poor practice that need immediate attention.

4.3.7 Of the 188 complaints received at Stage 1 in 2013/14 the following outcomes were noted: -

- 13 closed
- 15 complaints were upheld.
- 9 complaints were partially upheld.
- 149 complaints were not upheld.
- 2 ongoing

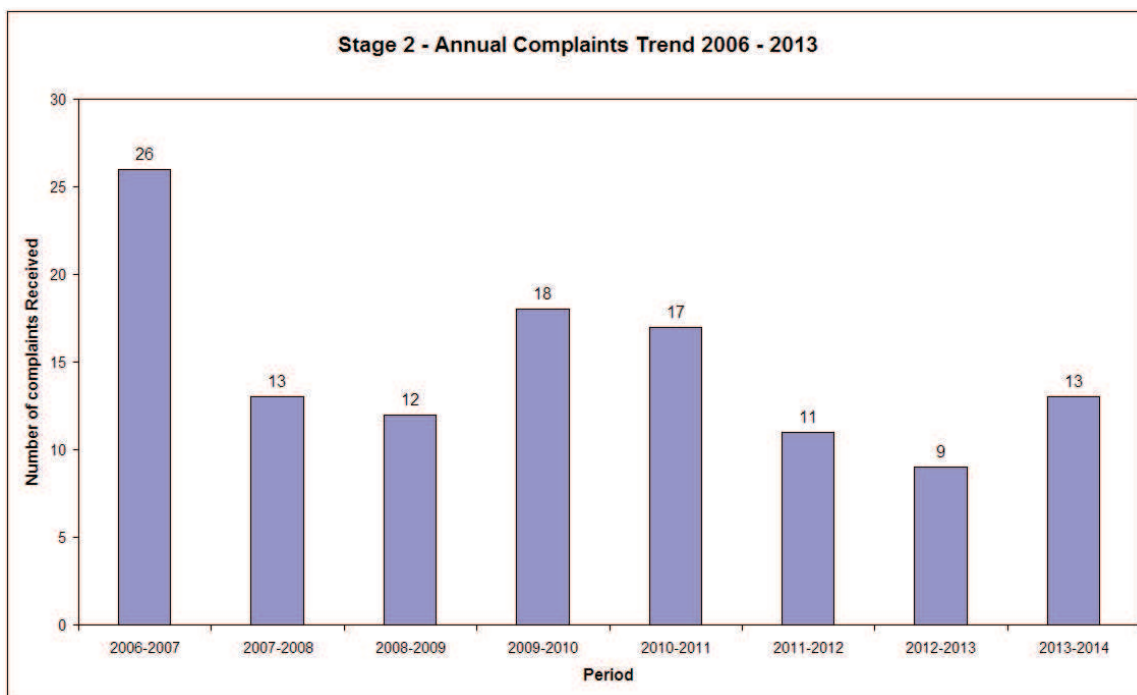
4.3.8 Of the 13 complaints that were closed:

- 2 were resolved with the customer receiving financial redress for lost/damaged items
- 4 were withdrawn by the customer as the matters were resolved during the process
- 1 progressed to a Foster Panel hearing
- 2 were closed when the customer failed to continue contact
- 4 were closed as the complainant was a family member and the service user did not agree to the Directorate sharing their personal information.

- 4.3.9 The majority of those cases that were upheld related to poor communication linked to human error, examples of which included not returning calls, miscommunication with service users/family members.
- 4.3.10 Examples of changes that have been made in response to other more significant findings from Stage 1 complaints included the following:
- The Directorate Finance team are working with Adult Services to standardise the paperwork in the Authority's Respite and Residential establishments relating to the checking in and out of services users property.
  - 2 staff members (1 in Children's and 1 in Adult Services) were referred via the management supervision process regarding poor practice identified in the course of investigations into Stage 1 complaints.
- 4.3.11 To ensure the appropriate identification of risk to vulnerable adults, the Customer Services Team and POVA Team continue to operate their joint working protocol, which is reviewed annually. In the period April 2013 to March 2014, 6 complaints received by the Customer Services Team were referred to the POVA team for consideration under that process. Of these, 3 cases were found to meet the POVA criteria with full POVA investigations being undertaken on each case.
- 4.3.12 A Task and Finish Group, led by the author of POVA procedures, has been working to review the complaints section within the POVA process, as it was considered by Local Authorities across Wales to be no longer 'fit for purpose'. This will clarify for the Directorate the role of the Customer Services team in respect of complaints relating to POVA decisions.

#### 4.4 **Complaints – Stage 2**

- 4.4.1 During 2013/14 the Directorate received 13 requests to progress complaints to Stage 2. Of these, 11 (85%) related to Children's Services and 2 (15%) related to Adult Services.
- 4.4.2 Of the 13 requests for a Stage 2 investigation, 6 were progressed directly to stage 2 formal investigation, without the Directorate having the opportunity to attempt local resolution. This was at the request of the complainant and this is permitted under the Listening & Learning complaints guidance.
- 4.4.3 1 stage 2 complaint relating to Adult Services was a joint investigation, led and investigated by Health.
- 4.4.4 Of the 11 Stage 2 investigation requests relating to Children's Services, 2 investigations were closed before completion, due to the complainant's lack of engagement with the Independent Investigating Officer.
- 4.4.5 The following graph shows the trend for complaints progressing to the formal Stage 2 process for independent investigation since the implementation of the Listening and Learning Guidance in April 2006 and shows an increase in the year 2013/14.



4.4.6 The increase in respect of Stage 2 investigations relating to Children’s Services has been fully considered to identify any common themes and trends, with none being found.

4.4.7 The Directorate, in particular Children’s Services, is experiencing an increase in the number of complainants who appear unwilling or unable to accept the responses they are given at stage 1, even when the response is supported by the evidence on file.

4.4.8 Of the 11 Stage 2 investigations that progressed through the process, there were 103 individual issues listed by complainants, which they wished to be considered. One complaint listed 30 issues.

4.4.9 Of the 103 matters listed, 15 matters were found to be partially or fully upheld. Of these, there were no matters that had to be referred for management supervision, with the majority being matters of poor communication caused by human error.

4.4.10 In 4 of the Stage 2 complaint reports, there were no matters that were found to be upheld, including one complaint that listed 16 individual issues.

4.4.11 The following changes have been made in response to recommendations that have been made as a result of Stage 2 investigation:

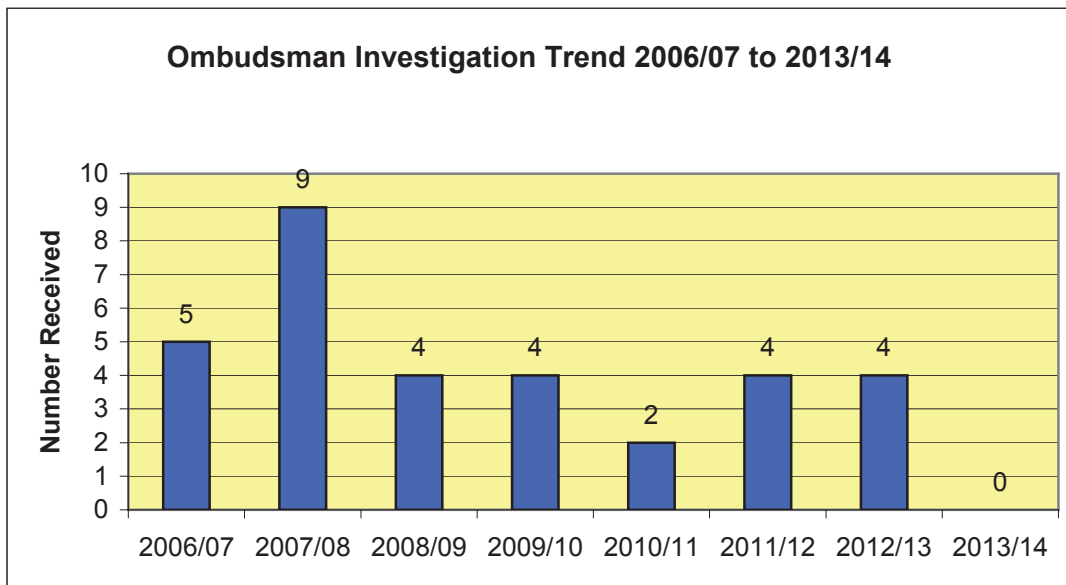
- The contract between Providers and Children’s Services in relation to commissioned services has been amended to ensure that the responsibility for consulting with carers/family when a service changes or ends lies with the Directorate.
- The Commissioning team in Adult Services are closely monitoring the quality of daily notes made by carers in respect of their calls to service users to ensure they offer a clear indication into the well being of the service user at each call.

#### 4.5 Complaints – Stage 3

4.5.1 There were no Stage 3 investigations undertaken in 2013/14 and this is a reflection of the standard of the Stage 2 investigation reports, that provided complainants with clear findings and outcomes into their complaints. Complainants report that they are more likely to accept the findings of a Stage 2 investigation if, as is the case in this Directorate, the Investigation Officer is not employed by the Council.

## 4.6 Ombudsman's investigations

4.6.1 The following graph illustrates the number of Ombudsman's Investigations that have been undertaken in respect of this Directorate's complaints from 2006 to the present.



4.6.2 The Ombudsman's Office advised us that for the period 2013/14 they received 2 requests from complainants who had been through our complaints process. In both instances, the Ombudsman advised the complainant of their decision not to investigate the complaints further due to the comprehensive investigation that had already been undertaken by the Directorate.

## 5. EQUALITIES IMPLICATIONS

5.1 The Customer Services Team continues to respond to issues of equality by ensuring that all complaints are dealt with in a consistent manner and by responding to complainants in accessible formats to suit their individual needs.

## 6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report

## 7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications arising from this report.

## 8. CONSULTATIONS

8.1 There are no consultation responses that have not been reflected in the report.

## 9. RECOMMENDATIONS

9.1 HSC&WB Scrutiny Committee members are asked to note the content of this report.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To ensure that the HSC&WB Scrutiny Committee is kept informed of complaints activity in the Social Services Directorate.

## **11. STATUTORY POWER**

- 11.1 Welsh Assembly Government's "Learning the Lessons" guidance 2005.
- 11.2 Health and Social Care (Community Health and Standards) Act 2003.
- 11.3 Fostering Services (Wales) Regulations 2003.
- 11.4 Children Act 1989 Guidance and Regulations.

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Cllr. L. Ackerman, Chair of HSC&WB Scrutiny Committee  
Cllr. B. Jones, Vice-Chair of HSC&WB Scrutiny Committee

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## AUDIT COMMITTEE – 10 DECEMBER 2014

**SUBJECT: REGULATOR PROPOSALS FOR IMPROVEMENT PROGRESS UPDATE**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & S151 OFFICER**

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update members on progress against the proposals made by all regulators since the last Audit Committee update that was provided on the 11<sup>th</sup> June 2014.

### 2. SUMMARY

- 2.1 The previous report detailed all the outstanding proposals as at June 2014. Since that time a number of proposals have now been addressed and new ones have come onto the list from recently received regulator reports. At this time we have 45 proposals. This is made up of 26 outstanding proposals and 6 new proposals and 13 proposals that have been addressed and that we believe should now be closed. Closing the 13 proposals that are now addressed would leave 19 outstanding.
- 2.2 We have received 6 new proposals for improvement following a Safeguarding Review by Wales Audit Office in September, with the report finalised in October. These are not statutory recommendations rather suggestions for improvement.

### 3. LINKS TO STRATEGY

- 3.1 Both the Corporate Assessment and the Annual Improvement Report (WAO) are designed to assess and report on the Council's compliance with the Local Government Measure 2009. In addition it encapsulates other regulatory and inspection outcomes.

### 4. THE REPORT

- 4.1 In May 2014 the progress reported against individual categories were as follows:

AIR 2013	Customer Services Review	Asset Management	Evaluation of Social Services contribution to MTFP	Information Management Review	Review of Management Arrangements following a Homicide Report	Data Quality Review	NEW - Nov Service based budget review	NEW Dec Improvement letter 2	Total
2	10	7	3	4	6	0	2	4	38

4.2 At the end of **October 2014** reporting against the individual categories is as follows:

AIR 2013	Customer Services Review	Asset Management	Evaluation of Social Services contribution to MTFP	Information Management Review	Review of Management Arrangements following a Homicide Report	Data Quality Review	Service based budget review	Dec Improvement letter 2	Total
0	8	6	1	3	6	Finished	Finished	2	<b>26</b>

4.3 As of **October 2014** the following figures are reported as outstanding

Outstanding	New proposals added from Safeguarding Review	Sub total outstanding	Recommend closure as of October 14	Total Outstanding	Total outstanding last time reported
39	6	45	13	<b>32</b>	38

4.4 These figures as of October 2014 represent good progress as the outstanding proposals have reduced by 13 since the last report and the overall outstanding figure has cleared 6 more proposals despite the newer safeguarding proposals recently added. Members will see progress made in evaluation of social services contribution to the MTFP as most of the processes are now part of every day business. The same is suggested for the proposals from the two reviews and these are recommended for closure.

4.5 Customer Services proposals have not reduced in as much as hoped in total (although progress has been made) because the outstanding proposals in the WAO Customer Services report relate to developing a customer service strategy. This has been on hold due to uncertainty relating to the Medium Term Financial Plan. However, the MTFP requirements are now clear and the development of a strategy and other related activities that address issues in the WAO review are now underway. A Customer Services Project Group is being established to coordinate the implementation of the strategy. The Deputy Leader and Cabinet Member for Corporate Services will be part of that project group and will receive detailed reports on the implementation of the strategy, including performance information. As part of the strategy the corporate customer service standards will be reviewed and a set of performance indicators will be developed and incorporated in to existing corporate performance management arrangements. The Project Group will be in place by the end of Jan 2015, the strategy should be in place by mid 2015 along with updated service standards and performance reporting.

4.6 The Review of Management Arrangements following a Homicide Report remains static in reducing proposal numbers and no update has been provided.

4.7 Asset Management has completed one proposal since previously reported and a report went to P&R Scrutiny in September 2014 to advise on progress of all the proposals with 2 complete, 2 partially complete and one incomplete. (Note the number of proposals does not always add up to appendix as the WAO often make a number of suggestions under 1 proposal).

4.8 Wales Audit Office has stated that the decision on whether a proposal is completed is an internal matter and is for the organisation to decide, (although it is within their remit to make more proposals if they do not believe it has been addressed). We will forward the register onto the Wales Audit Office for their information and update once seen and agreed by Audit Committee.

4.9 We recommend 13 proposals be closed down as they have been completed and encourage members to view the specific proposals attached within Appendix A and judge if they concur that these proposals are now completed. For future reporting, once proposals are closed we will move these out of the 'live' list and into a closed register for ease of management. This



means gaining CMT and Audit Committee agreement where proposal owners recommend that a proposal be closed, having been satisfactorily completed.

4.10 This report does not include an update against the Improving Governance Programme, as this will be reported separately.

4.11 When monitoring progress against the proposals, members are advised to consider what value the proposals are making and what difference the activity in addressing them has made for our citizens in creating more efficient, customer focused services.

## **5. EQUALITIES IMPLICATIONS**

5.1 No specific Equalities Impact Assessment has been undertaken on this report, however the Local Government Measure 2009 cites fairness and accessibility as part of a definition of what 'Improvement' means.

## **6. FINANCIAL IMPLICATIONS**

6.1 There are no financial implications arising from this report although it is worth noting that External Audit fees could be reduced, if regulators are assured and place reliance on the organisation's own ability to monitor and challenge itself to improve.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications arising from this report.

## **8. CONSULTATIONS**

8.1 There have been no consultations that have not been included in this report.

## **9. RECOMMENDATIONS**

9.1 It is recommended that Audit Committee note the contents of this report, monitor the progress against the attached action plan and give agreement on closing the proposals that are noted closed within the Appendix.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To ensure members are aware of progress the Council's action plan and have an opportunity to monitor and challenge its content.

## **11. STATUTORY POWER**

11.1 Local Government Measure (Wales) 2009.

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Consultees: Nicole Scammell – Acting Director of Corporate Services  
Corporate Management Team  
Colin Jones – Head of Performance and Property

Appendices:

Appendix: Update of proposal register October 2014.

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Last update to Audit Committee June 2014

New update for Audit Committee October 2014

## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
1A2 Dec 2012 (Carried forward from historical list)	<b>P2</b> Better engage and strengthen scrutiny to improve self-evaluation arrangements and to inform the councils overall evaluation of progress against its improvement objectives	Consideration of moving from 2 individual PM scrutiny's to using more frequent scrutiny to give greater reporting opportunities. We are also reviewing and revising the planning cycle to include a self-evaluation process	Improvement Objective 6 month review is booked on Autumn / winter scrutiny. This is day to day business. Performance Management Training for members is on 20th October will include information on self-assessment of IO's and Evaluation.	Dec-14	In addition to the newness of self-evaluation, the removal of the PM scrutinys without a definate steer on replacement and the newness of embedding performance in ordinary scrutinies, means that PwC would like this to remain open, was closed but <b>now reopened wef 29.1.2014 OPEN - Transferred to current list 9th May 2014</b>	<b>In progress</b>
Carried forward from Appendix A (historical)	<b>P2</b> Formal annual financial assessments of its Improvement Objectives are included within all relevant SIPs to ensure that resources are clearly aligned to priorities;	<b>1.</b> Guidelines sent to Heads of Service <b>2.</b> Critique Plans when received <b>3.</b> Escalate any none compliance <b>4)</b> Introduction of Self-Evaluation to include costings as part of the evaluation.	Costing of Improvement Objectives is now part of the process of setting them. There is more information on Finance within the annual performance report. The Service Plans include IO's and the delivery of them but not specific to costing as this is agreed in a different way directly with Finance.	Jun-13	Following discussion with PwC it was agreed to keep this open. PwC would like the assurance of one more cycle including new self-evaluation process, particularly with workforce planning. We will review after the plans are written. <b>OPEN - Transferred to current list 9th May 2014</b>	<b>In progress</b>
<b>AIR 2013 Improvement Assessment Letter 1 2013. (IA presentation, part 2 &amp; Letter 2)</b>	<b>R4:</b> Put in place arrangements that enable the Council to formulate, scrutinise, approve and publish its improvement objectives in a timely way to meet its statutory obligations		The Corporate Plan with the Council priorities and Improvement Objectives was published within the required deadline. The 15/16 Improvement Objectives timeline is being drawn up now to include consultation with the public and members. This is day to day business.	Apr-14	As recommended by the service. In addition the 2014 CGI follow up will review Performance Management Arrangements.	<b>Recommend Closure</b>
Customer Services Review (August 2013)	<b>P1: Governance and performance management.</b> Develop a more co-ordinated strategic approach to customer services. This should include developing and implementing a customer service strategy that supports the Council's strategic vision and improvement priorities.	To develop and implement a Customer Services Strategy.	A report will be presented to P&R at end of September explaining that development of the strategy has been rescheduled to match the MTFP timetable.	Report to P&R Scrutiny Committee in March 2014 explaining delayed til June.		<b>In progress</b>
Customer Services Review (August 2013)	<b>P1: Governance and performance management.</b> Develop a more co-ordinated strategic approach to customer services. This should include establishing clear links between the customer service strategy document, Improvement Objectives and departmental service improvement plans.	To develop and implement a strategy.	A report will be presented to P&R at end of September explaining that development of the strategy has been rescheduled to match the MTFP timetable.	Report to P&R Scrutiny Committee in March delayed til June 2014.		<b>In progress</b>

## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Customer Services Review (August 2013)	<b>P1: Governance and performance management.</b> Develop a more co-ordinated strategic approach to customer services. This should include ensuring the customer service strategy clearly sets out appropriate performance measures that enable the Council to manage, monitor, report and evaluate its strategy and other related strategies including its customer charter.	To develop and implement a strategy that includes performance management information.	A set of PIs will be developed when the strategy has been agreed.	Report to P&R Scrutiny Committee in March delayed til June 2014.	Draft Strategy out to consultation with officers and members during March and April, with final proposed strategy presented to P&R Committee in June 2014.	In progress
Customer Services Review (August 2013)	<b>P1: Governance and performance management.</b> Develop a more co-ordinated strategic approach to customer services. Including customer services' performance measures in the Council's corporate performance reporting arrangements and ensuring they are subject to effective self-evaluation, challenge and scrutiny.	Review customer service standards then develop suite of performance managers based on the objectives of the strategy 10 links to 12	A report will be presented to P&R at end of September explaining that development of the strategy has been rescheduled to match the MTFP timetable. Performance Indicators will be set when the strategy has been completed.	Sept 14 (to go into performance report Oct 14		In progress
Customer Services Review (August 2013)	<b>P1: Governance and performance management.</b> Develop a more co-ordinated strategic approach to customer services. This should include ensuring that the Council's equalities and Welsh language objectives are being delivered and reflected in the customer service strategy.	The customer service strategy will include joint work with the Equalities, Policy and Translation unit to ensure there is input at the beginning of the process and during the process.	A report will be presented to P&R at end of September explaining that development of the strategy has been rescheduled to match the MTFP timetable.	Nov-14		In progress
Customer Services Review (August 2013)	<b>P1: Governance and performance management.</b> Develop a more co-ordinated strategic approach to customer services. This should include ensuring that the lead Cabinet Member for customer services has clearly documented responsibilities and is provided with regular performance information.	Proposal to set up Customer Services Customer service programme board with cabinet member as lead.	A report will be presented to P&R at end of September explaining that development of the strategy has been rescheduled to match the MTFP timetable.	Nov-14		In progress
Customer Services Review (August 2013)	<b>P1: Governance and performance management.</b> Develop a more co-ordinated strategic approach to customer services. This should include ensuring business cases are developed for service improvements that clearly set out and analyses the costs and benefits of the service improvement, and the expected improvements and the outcomes to be delivered.	To set up customer services board in which all cases would go to the board, not everything needs a case - so guidelines are needed for when case should be used and this will be included in the terms of reference of the board.	A report will be presented to P&R at end of September including proposals for establishing a project board that will address these issues	Nov-14		In progress

## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Customer Services Review (August 2013)	<b>P2: Information and data.</b> Strengthen the approach to evaluating and improving customer services in a proactive way. This should include collecting and analysing customer views and satisfaction data for e-mail and telephone correspondence.	1) Review the Customer Service standards and measures. 2) Implement survey forms for one-stop-shops and survey of contact centre 3) Broaden to other contact e.g Housing repairs to find out what they do 4) add performance data to Ffynnon CMT scorecard	Standards will be reviewed when the strategy has been agreed, however survey forms are currently in use within customer services. Widening this out to other service areas will be considered when the project boards is in place	Nov-14		In progress
Customer Services Review (August 2013)	<b>P2: Information and data.</b> Strengthen the approach to evaluating and improving customer services in a proactive way. This should include corporately collating and analysing customer complaints and compliments and regularly reporting findings to Members.	Review customer service standards by viewpoint panel and other forms of consultation.	We believe this is now part of day to day business as the complaints continue to be collated and reported to Audit Committee. We believe there is more to do in gathering informal intelligence and continue to do so (such as exit surveys in customer services) however in regards to this proposal we believe it is completed.	Oct-14		Recommend Closure
Customer Services Review (August 2013)	<b>P2: Information and data.</b> Strengthen the approach to evaluating and improving customer services in a proactive way. This should include considering re-instating the customer viewpoint panel or introduce another appropriate method of obtaining customer feedback.	Review customer service standards by viewpoint panel and other forms of consultation.	Customer engagement strategy has been implented building on the update in April that saw the reinstatement of the viewpoint panel. We believe this is now day to day business and recommend this is closed now.	Oct-14		Recommend Closure
Asset Management (Land and Property) Strategy Review (September 2013)	<b>P1: Develop a robust Asset Management Strategy for its property and associated infrastructure.</b> The strategy should set out a vision for each type of asset that shows how it contributes to the delivery of the Council's priorities.	Further develop the existing draft strategy	Report presented to Policy & Resources Committee 30th September 2014 to detail progress and explain reasons for the delay in delivering some Proposals for Improvement beyond the intially planned and agreed dates.	Apr-14		Partially Complete - On hold
Asset Management (Land and Property) Strategy Review (September 2013)	<b>P1: Develop a robust Asset Management Strategy for its property and associated infrastructure.</b> The strategy should set targets for assessing progress, including the condition and suitability of each asset.	Complete update of building conditions survey	All building condition surveys will be completed by the end of the year Dec 2014, there was a delay in the procurement process with establishing an approved contractor however condition surveys are now close to being completed for the 100's of buildings and these will identify our back logs in maintenance and help prioritise actions.	Apr-14		In progress
Asset Management (Land and Property) Strategy Review (September 2013)	<b>P1: Develop a robust Asset Management Strategy for its property and associated infrastructure.</b> The strategy should describe an overall plan for implementing the Strategy.	To form part of development proposals as above (item 42)	Report presented to Policy & Resources Committee 30th September 2014 to detail progress and explain reasons for the delay in delivering some Proposals for Improvement beyond the intially planned and agreed dates.	Apr-14		Partially Complete - On hold

## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Asset Management (Land and Property) Strategy Review (September 2013)	<b>P1: Develop a robust Asset Management Strategy for its property and associated infrastructure.</b> The strategy should be approved by members.	Further develop the existing draft strategy	Report presented to Policy & Resources Committee 30th September 2014 to detail progress and explain delay reasons for the delay in delivering some Proposals for Improvement beyond the intially planned and agreed dates.	Council Apr-14		Partially Complete - On hold
Asset Management (Land and Property) Strategy Review (September 2013)	<b>P2:</b> Ensure that the individual service asset management plans are developed as soon as possible and are used to inform the Council's financial planning process.	Develop Service Asset Management Plan (SAMP) and consider impact on the Medium Term Financial Plan (MTFP)	Some pockets of progress are being made but difficult to progress in a holistic way due to MTFP implications. Report presented to Policy & resources Committee 30th September	Jan-Mar '14	Current MTFP issues gives priority to service savings so services are unable to set definative plan on their property requirements - this action is <b>delayed until Oct / Nov. The completion date has been changed</b> from Jan-March 14	Partially Complete - On hold
Asset Management (Land and Property) Strategy Review (September 2013)	<b>P3:</b> Finalise its current review of property performance data and agree which data should be monitored and reported at an officer and member level.	Improve building data collection and performance intelligence	Software developments are now completed and building information inputted.	Jun-14	By when date changed from March to June 2014	Recommend Closure
Asset Management (Land and Property) Strategy Review (September 2013)	<b>P4:</b> Develop and implement arrangements to monitor the delivery of the strategy.	Agenda updates on progress to Asset Management Group (AMG)	Report presented to Policy & Resources Committee 30th September 2014 to detail progress and explain reasons for the delay in delivering some Proposals for Improvement beyond the intially planned and agreed dates.	Nov-14	Current MTFP issues gives priority to service savings so services are unable to set definative plan on their property requirements - this action is <b>delayed until Oct / Nov. The completion date has been changed</b> from Jan-March 14	Incomplete - on hold
<b>AIR 2013 Improvement Assessment Letter 1 2013</b>	R3: Address the 3 recommendations in the Auditor Generals report Evaluation of Social Services contribution to the Medium term financial plan.					
Evaluation of Social Services contributions to the MTFP (September 2013)	<b>R3:</b> The Council should ensure that Members are provided with sufficient information at the earliest opportunity to enable them to make informed decisions.	Update being sought from Acting Head of Corporate Finance	CMT has approved a business case template that must be completed for all proposed investments greater than £250k.	Ongoing	This is part of day to day business so we believe it should be closed now.	Recommend Closure
Evaluation of Social Services contributions to the MTFP (September 2013)	<b>P1:</b> In order to ensure effective monitoring and evaluation of savings, the Council should implement a consistent approach to project management and monitoring savings, including benefits realisation, managing risks and identifying lessons learnt.	Update being sought from Acting Head of Corporate Finance	An update on delivering agreed savings is now included in all budget monitoring reports presented to Scrutiny Committees.	Jul-14	This is ongoing and we believe as a separate issue it is now addressed and should be closed	Recommend Closure



## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Evaluation of Social Services contributions to the MTFP (September 2013)	<b>P3:</b> The Council should undertake further analysis to identify the non-statutory services that it could prioritise to achieve a significant saving and those statutory services that could be re modelled to realise benefits in line with its corporate and service priorities.	Update being sought from Acting Head of Corporate Finance	In line with the Council approved budget strategy for 2015/16 and 2016/17 reports have been presented to a number of Special Scrutiny Committees between June and October 2014 outlining a wide range of proposals to deliver savings of £8m in discretionary services. In addition to this, the reports have also considered proposals to identify 3% (£5m) efficiency savings in statutory services	Summer 2014		In progress
Information Management Review (November 2012)	<b>P4:</b> Ensure that sufficient data is held outside the recommended nine-mile limit to enable a full restoration of service information in the event of a disaster.	Find a suitable solution. Discuss options with neighbouring authorities in addition to CCBC's existing BSI27001 recovery plan.	We have an in principal agreement with Newport CC for a reciprocal arrangement and space in the data centre has been allocated for our use. There are a number of processes that need to be completed in order to commence the data copies. We are currently completing the migration of our data from old legacy storage to our new storage and once this is complete we will be in a position to start copying data to Newport CC. We have storage available for deployment to Newport CC but will need to consider the capacity requirements as part of this final process. Consideration will also need to be given to the bandwidth requirements and any implications this may have on existing services.	01/12/2013 revised to Dec 2014	The task to migrate to the new storage array will be completed by Christmas, this is a prerequisite for the final solution where data will be held at Newport CC. This will be achieved by the end of the financial year following installation and appropriate testing of the solution.	In Progress
Page 37 Information Management Review (November 2012)	<b>P5:</b> Continue to develop more robust arrangements for whole-life cycle management of electronic information including e-mails, in particular disposal of information that the Council no longer has the rights to hold; ensuring that the Council is compliant with legislation.	Continue ongoing IGPT actions of data mapping; developing a records management policy and email management procedures; identify means of managing records backlogs on network drives and email.	Quarterly reviewed Information risk registers include risk of theft, loss and unauthorised access to electronic information. Data mapping resulted in Information Asset Register including electronic records, enabling checks of storage, access, retention and vital records status and development of corporate fileplan (see P7 below). Retention schedules regularly updated when legislation/audit or business requirements change. One year post of Information Governance Training Officer to deliver detailed records management training courses to supplement basics on DPA and FOI courses, and Member training continues. Backlogs on network drives successfully addressed within Education Directorate (80% reduction in duplication) to be rolled across other directorates of the Council. Solutions to backlogs in email being considered, email management guidance to be distributed, and Egress Switch and GCSX enable secure emailing. Consideration of BS10008 for electronic information subject to European funding retention rules has begun. Regular communications update all staff on key information governance messages. A new protocol on access to exempt committee information (mainly electronic) has been agreed and awareness raising sessions delivered. ESF Information Sharing Project encourages staff across Caerphilly Local Service Board to share information legally but also transfer and store it securely, for electronic as well as hard-copy information.	Jun-15	Email management guidance agreed and available on intranet. Records Management training proven popular with a growing waiting list and requests for the training materials to be distributed. A paper is being collated on management of existing and future email archive; management of electronic records backlogs reflected in IT and Customer Services Information Risk Register to ensure improvements are monitored quarterly and to reflect importance for Council as a whole; further awareness raising sessions on management of exempt committee reports delivered; BS10008 accreditations underway for HR and Building Cleaning; PC Replacement Programme to standardise work packages to reduce risks of hidden data and improve performance; upgrade to IDOX planned for next year to improve records management; research ongoing on retention guidance for specific types of electronic records; review of Council systems listed in Information Asset Register to establish processes for destruction; updates to register of information sharing agreements for monitoring of management of electronic records.	Part-complete, In progress

## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Information Management Review (November 2012)  Page 38	<b>P6:</b> Further improve the response times for Freedom of Information (FOI) requests.	Continue ongoing Corporate Information Governance Unit actions of finding and implementing methods of improvement, including improvements to Publication Scheme.	First 6mths of 2014 compliance with 20wd response time increased by 2%. Continue to encourage improvement through: Inclusion in the Council's Annual Governance Statement for 2014-2015 and corresponding action plan; snapshots of request handling during several periods in 2014 undertaken to assess timescales in more detail and problem areas targeted; level of risk for each Service Area of failing to comply with FOI monitored through Information Risk Returns; introduction of Information Risk Register has prompted information governance presentations at a number of senior management team meetings, including FOI compliance; Information Governance Stewards reinforce compliance targets and also discussed at six-weekly IGPT meetings; key officers involved in FOI requests meet quarterly to share good practice; weekly reports generated by CIGU for the Chief Executive and Heads of Service; internal compliance targets introduced including notification within 5 working days whether response can be handled by a service area; Publication Scheme promoted; additional resources deployed through utilisation of a staff member employed elsewhere when the person's existing job permits; IG Training Officer delivers FOI training; software to track FOI requests is explored; benchmark CCBC against other organisation's performance; performance monitored quarterly and annual reports to Policy and Resources Scrutiny Committee.	Mar-14	Training sessions are targeted initially at those services missing FOI deadlines and will involve encouragement for all staff to attend FOI training delivered by CIGU. A variety of proposals to be explored by Corporate Governance Panel on 21 Nov 2014 including reduction of internal deadline to 12 working days; reporting service areas with a pattern of late responses to directors, Information Governance Project Team and possibly P&R Scrutiny Cttee annual report on IG presented in April each year; revert to former practice of service areas drafting their own respnses for compliance. Other suggestions include allocate a deputy to approve requests in HOS absence and establish a new 2 day target for approvals; allocate a small number of key officers to take responsibility for particular FOI subjects to ensure ownership is retained until response answered; The above and more will be considered for approval by Corporate Governance Panel on 21 Nov 2014.	Part-complete, In progress
Information Management Review (November 2012)	<b>P7:</b> Pause and review the implementation of the Electronic Document and Records Management System (EDRMS) to assess progress and direction, in particular consider the Council's aims for EDRMS to ensure that the current approach will deliver these aims effectively.	Continue ongoing IGPT data mapping, and Information Governance Support Officer's role of using the resulting data to recommend and implement improvements in a number of areas.	Closed. Discussions with IDOX resulted in agreement to work with the Council to explore using the Council fileplan alongside the existing IDOX Document Management System (DMS) to present a full picture of the Council's record holdings at any point in time to comply with S45 Code of Practice under FOI. An increasing number of areas use IDOX document management system to facilitate sharing of information in a secure storage environment and adoption of BS10008 (on legal admissibility of information stored electronically) continues for those records stored in IDOX that may be required in court. Work continues on the outcomes of the data mapping exercise which is preparation for full implementation of an EDRMS as well as thorough management of electronic information outside EDRMS. See P5 for further information, as these actions overlap.	Dec-14		<b>Recommend Closure</b>



## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Review of Management Arrangements following a Homicide Report from Healthcare Inspectorate Wales – April 2013	<b>P1:</b> Establish robust arrangements, to ensure and systematically check, that protocols and procedures are implemented and operating effectively in practice.	Practice reviewed to ensure compliance with relevant policies & procedures. (Director Social Services)	No update provided	Quarterly		In Progress
Review of Management Arrangements following a Homicide Report from Healthcare Inspectorate Wales – April 2013	<b>P2:</b> Ensure all action plan targets are complete and adopted.	Plans and targets reviewed on a regular basis (Director Social Services)	No update provided	Six Monthly		In Progress
Review of Management Arrangements following a Homicide Report from Healthcare Inspectorate Wales – April 2013	<b>P3:</b> Improve inter-agency working in relation to rehousing and the management of vulnerable people in need of housing by: <b>ensuring health and social care information sharing protocols cover housing services;</b>	ISP's developed to encompass Housing related issues. (Director Social Services)	In response to audit query in June: The pilot in the Rhymney area of the Borough will conclude in early September and the feedback from people who use the service has been very positive. The co location of mental health staff in the Rhymney Integrated Health & Social Care Centre has undoubtedly improved communication but there can still be tensions across professional boundaries. On the basis of the positive feedback on the project it is being extended to the whole north of the borough as well as other parts of Gwent. This isn't a quick fix and consequently full implementation will take some time. Despite the success of this project there will continue to be tensions in partnership working and all Wales factors such as different IT systems do not help. Overall the project is definitely taking us in the right direction and gaining very positive feedback from users of the service.	Apr-14		In Progress
Review of Management Arrangements following a Homicide Report from Healthcare Inspectorate Wales – April 2013	<b>P3:</b> Improve inter-agency working in relation to rehousing and the management of vulnerable people in need of housing by: <b>revising Risk Assessment procedures to incorporate and cover housing services;</b>	Risk assessment procedures to cover housing related issues. (Director Social Services)	No update provided	Ongoing		In Progress

V9

Last update to Audit Committee June 2014

New update for Audit Committee October 2014

## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Review of Management Arrangements following a Homicide Report from Healthcare Inspectorate Wales – April 2013	<b>P3:</b> Improve inter-agency working in relation to rehousing and the management of vulnerable people in need of housing by: <b>improve staff knowledge, awareness and understanding so as to minimise risk to vulnerable people by undertaking three-way training and information sharing between housing, health and social services.</b>	(Director Social Services)	No update provided	Jun-14		In Progress
Review of Management Arrangements following a Homicide Report from Healthcare Inspectorate Wales – April 2013	<b>P3:</b> Improve inter-agency working in relation to rehousing and the management of vulnerable people in need of housing by: <b>revise the draft Mental Health Joint Accommodation Protocol (MHJAP) to include Registered Social Landlords (RSL) and Supporting People services to minimise gaps in service provision.</b>	Revised protocol in place. (Director Social Services)	No update provided	Mar-14		In Progress
Service Based Budget Review Nov 2013 (IA presentation, part 2 of letter 2)	<b>P1</b> The Council should ensure that its corporate priorities and improvement objectives are formally considered in the determination of its savings programme and influence its medium-term financial plan.	To build into time table. To develop formal mechanism to evidence this happens (informal mechanisms do exist)	Corporate Plan has been produced and published. This re-defines the council's priorities and informs the MTFP. MTFP not yet agreed for 2015	By April - May 2014 when publications are produced to the public	This is a standard part of producing the Councils Performance Report, so we believe this should now be closed as a separate recommendation.	Recommend Closure
Service Based Budget Review Nov 2013	<b>P2</b> The Council should separately monitor and evaluate the delivery of its savings to enable more effective scrutiny of their delivery.	Steve to provide comment for Jan and for actions	An update on delivering agreed savings is now included in all budget monitoring reports presented to Scrutiny Committees.	Jul-14	We recommend this should now be closed as this is part of ongoing processes of monitoring	Recommend Closure
Improvement Assessment Letter 2 Dec 2013	P1 In <b>future</b> Performance Reports, the Council should:					
Improvement Assessment Letter 2 Dec 2013 (IA presentation, part 2 of letter 2)	• explain what corrective actions it has taken when performance and comparative information identifies areas in need of improvement;	This will have to be considered as part of the next performance publication	The new performance report which has taken cognisance of this proposal has gone to cabinet for 17th Sept and then to Full council for consideration and approval 7th october	Oct-14		Recommend Closure

V9

Last update to Audit Committee June 2014

New update for Audit Committee October 2014

## Action Plan 2014 Response to Regulator Proposals

Original Document	Regulator Proposal	Action	Progress Update October 2014	By When	Additional Information	Status
Improvement Assessment Letter 2 Dec 2013 (IA presentation, part 2 of letter 2)	<ul style="list-style-type: none"> <li>provide more contextual information within the main narrative to give a more rounded picture of performance and provide a fuller evaluation of performance against its improvement objectives; and</li> </ul>	This will have to be considered as part of the next performance publication	The new performance report which has taken cognisance of this proposal has gone to cabinet for 17th Sept and then to Full council for consideration and approval 7th october	Oct-14		Recommend Closure
Improvement Assessment Letter 2 Dec 2013 (IA presentation, part 2 of letter 2)	<ul style="list-style-type: none"> <li>consider more targeted use and reporting of comparative information with similar councils during the year and within future Performance Reports.</li> </ul>	This will have to be considered as part of the next performance publication	The new performance report which has taken cognisance of this proposal has gone to cabinet for 17th Sept and then to Council for consideration and approval 7th october. It is of note that Authorities that publish early in July do not have All Wales Comparators (because they are not available at time of publishing before Sept) and cannot therefore include comparators in their	Oct-14		Recommend Closure
IA presentation (part 2 of letter 2) Dec 2013	Publish Welsh version of performance report earlier	Check what is within the scope of our policy and explore ways to provide it earlier.	Plan sent to Translation before full council consideration / approval to meet simultaneous publishing dates for both languages	30th Oct 14	Both languages were on the internet before October 30th. We will continue with this process to translate earlier. Recommend to close now	Recommend Closure
Local Authority arrangements for Safeguarding Children (issued June 2014)	<b>P1</b> Develop a Corporate Safeguarding Policy that clearly specifies roles, responsibilities and procedures for safeguarding					New - still to be agreed
Safeguarding Children (issued June 2014)	<b>P2</b> Agree Designated Safeguarding Officers within all of the Council's service areas.					New - still to be agreed
Safeguarding Children (issued June 2014)	<b>P3</b> Improve the range, quality and coverage of safeguarding performance reporting to provide adequate assurance that corporate arrangements are working effectively					New - still to be agreed
Safeguarding Children (issued June 2014)	<b>P4</b> Improve the work of the Council's Scrutiny Committees to ensure it is providing assurance on the effectiveness of the Council's corporate safeguarding arrangements.					New - still to be agreed
Safeguarding Children (issued June 2014)	<b>P5</b> Ensure all elected members and staff who come into contact with children on a regular basis receive training on safeguarding and child protection issues and the Councils corporate policy on safeguarding.					New - still to be agreed
Safeguarding Children (issued June 2014)	<b>P6</b> Identify and agree an appropriate internal audit programme of work for safeguarding.					New - still to be agreed

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## AUDIT COMMITTEE - 10TH DECEMBER 2014

**SUBJECT: ICT SERVICE DISASTER RECOVERY ARRANGEMENTS**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES**

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### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Audit Committee members of the existing ICT Disaster Recovery (DR), arrangements that are in place within CCBC and how these arrangements were invoked to restore services following an interruption to services in August 2014.
- 1.2 The report also highlights the review process that forms part of the Disaster Recovery arrangements to ensure the experience of such events is used in a positive way to improve existing plans and mitigate risk of future similar occurrences.

### 2. SUMMARY

- 2.1 The report briefly highlights CCBC's existing ICT Disaster Recovery arrangements and informs Members of how these arrangements were utilised to recover ICT systems as quickly as possible following two real incidents which interrupted the provision of ICT Services in August 2014.

### 3. LINKS TO STRATEGY

- 3.1 The ICT Service critically underpins the large majority of the day-to-day services provided by the Council to its constituents.

### 4. THE REPORT

- 4.1 CCBC's ICT DR arrangements have been developed over many years into a tried and successfully tested plan. At the heart of this plan are the Authority's high quality and resilient Primary and Secondary Data Centres, *the secondary acting as a test and a backup to the Primary*. These secure and environmentally controlled facilities are further protected against mains power loss by means of Uninterruptable Power Systems (UPS) together with diesel generators and by automated fire suppression systems.
- 4.2 The ICT DR arrangements are also compliant with the ISO 270001 ICT security standard, which includes Disaster Recovery and as such are regularly audited by the British Standards Institution as part of their ongoing 6 monthly re accreditation process. CCBC has now held BSi accreditation for 8 consecutive years.
- 4.3 The ICT DR Plan enables all ICT systems to be recovered as quickly as possible (within reasonable financial constraints). The backup and recovery processes are tested to ensure a successful outcome can be achieved for the recovery of critical applications, communications and data within the time tolerances set out within the plan.

- 4.4 To put things into context, there are in excess of 500 ICT applications in use across Caerphilly CBC, ranging from large corporate solutions, plus many that support customer facing services, to small tailored applications for the more niche type of services. The ICT DR recovery process has been prioritised depending on the nature of each business application and its service affecting criticality to the Authority.
- 4.5 The main public facing services, such as the Contact Centre, including the main telephone switchboard and the CCBC Website receive the high recovery priority as do Social Services, Schools, Financials and Payroll and so on, the recovery process then continues until all applications and services are successfully recovered. A future review on the prioritisation of the recovery process is planned in conjunction with the work currently being undertaken with the Authority's overarching Business Recovery plan.
- 4.6 In August this year, whilst in the process of moving some of the councils applications and data from an older set of electronic storage equipment onto a newer more resilient and higher performance storage area network (SAN), a move that had been planned during the quieter main Summer holiday period to minimise the risk of disruption, a technical issue developed, which prevented the successful completion of this operation. This issue led to an interruption to some ICT Services on the 5th and 6th of August whilst ICT staff worked around the clock to recover these systems. Further work was also required to ensure the continuity and stability of ICT services following this event. This maintenance work was scheduled, completed and successfully tested on Saturday 9th of August.
- 4.7 However, during Monday 11th of August further technical issues arose, which again had the effect of interrupting some critical ICT Services including some to the Council's telephone Services. Again ICT Staff worked non stop to recover systems as quickly as possible in line with the existing DR arrangements and as far as possible ICT services were restored in priority order, with the majority of critical applications being made available by Tuesday 12th August and all remaining services successfully being brought back online systematically during the following two days.
- 4.8 The source of the issue was traced to the older storage equipment from which all previously affected critical data has since been removed and moved to a new SAN to mitigate the risk of a future similar occurrence.
- 4.9 The DR arrangements have also been updated to reflect the issues experienced during these events and some procedures changed to accommodate the new storage area networks now in use. The updated DR Plan will also be subjected to continual review by CCBC ICT Services, external auditors and the BSi in line with the ISO 27001 accreditation. Co ordination and integration with the currently developing Business Recovery Plan will also take place.
- 4.10 ICT Services support contracts with external suppliers are also reviewed when necessary to ensure CCBC has the correct level of maintenance and support arrangements in place to ensure the continued availability of its ICT infrastructure.
- 4.11 Further enhancements to the ICT DR procedures are also being made with a joint reciprocal arrangement with Newport City Council, by hosting additional backup sets outside a 9-mile radius from the data centres as part of a previous recommendation by WAO.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 No full impact assessment has been undertaken. However, the temporary reduction in availability of ICT Services may have had a detrimental effect on customers who fall under some of the protected characteristics groups, in particular people with different types of disabilities and the elderly.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 That sufficient Capital budget, in line with current levels, continues to be annually allocated to ICT Services to enable the appropriate level of ICT equipment refresh within the Authority's Data Centres to ensure the ICT infrastructure remains resilient and fit for purpose.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no Personnel implications resulting from this report, However, it should also be noted that the success of each critical ICT services recovery process is due in no small part to the current skills, experience and dedication of all the ICT Staff concerned. A fact that must not go unnoticed in these more difficult of financial times, especially when prioritising future budgets.

## **8. CONSULTATIONS**

- 8.1 See below.

## **9. RECOMMENDATIONS**

- 9.1 That the information in this report is noted by the members of the Audit Committee.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To update the Audit committee members of the ICT Disaster Recover arrangements in place within CCBC

## **11. STATUTORY POWER**

- 11.1 Local Govt Act 2000

Author: Lynton Jones, Acting Head of ICT and Customer Services  
Consultees: Gwyn Williams, Acting ICT Operations Manager  
Paul Lewis, ICT Development Manager  
Rob Hartshorn, Head of Public Protection  
Gail Williams, Acting Head of Legal Services  
Nicole Scammell, Acting Director of Corporate Services  
Cllr Barbara Jones, Cabinet Member for Corporate Services

Appendices:  
Appendix 1 BSi Certificate of Registration

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# Certificate of Registration

INFORMATION SECURITY MANAGEMENT SYSTEM - ISO/IEC 27001:2005

This is to certify that:

Caerphilly County Borough Council  
IT Services Department  
Tredomen House  
Tredomen Park  
Ystrad Mynach  
Hengoed  
CF82 7WF  
United Kingdom

Holds Certificate Number:

IS 82432

and operates an Information Security Management System which complies with the requirements of ISO/IEC 27001:2005 for the following scope:

**The Information Security Management System in relation to the provision of IT Operations, IT business support and IT development within the Caerphilly County Borough Council in accordance with version 16 of the Statement of Applicability dated 24 June 2013.**

For and on behalf of BSI:

Gary Fenton, Global Assurance Director

Originally registered: 15/07/2004

Latest Issue: 09/09/2013

Expiry Date: 16/09/2016



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Caerphilly County Borough Council Penallta House Tredomen Park Ystrad Mynach Hengoed CF82 7PG United Kingdom	The Information Security Management System in relation to the provision of IT Operations, IT business support and IT development within the Caerphilly County Borough Council in accordance with version 16 of the Statement of Applicability dated 24 June 2013.
Caerphilly County Borough Council Enterprise House Tir Y Berth Industrial Estate New Road, Tir Y Berth Hengoed CF82 8AY United Kingdom	The Information Security Management System in relation to the provision of IT Operations, IT business support and IT development within the Caerphilly County Borough Council in accordance with version 16 of the Statement of Applicability dated 24 June 2013.

Originally registered: 15/07/2004

Latest Issue: 09/09/2013

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## AUDIT COMMITTEE - 10TH DECEMBER 2014

**SUBJECT: CAERPHILLY COUNTY BOROUGH COUNCIL PARTNERSHIPS AND COLLABORATIONS**

**REPORT BY: ACTING DIRECTOR CORPORATE SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 To provide Members with an update report on the partnership and collaborative working of the Council following Cabinet's endorsement of the Collaboration and Partnership Protocol including twelve month action plan, and Partnership Governance Toolkit. Steps are now being undertaken to implement the twelve month action plan for ensuring robust partnership working, on which Members observations are welcome.

### **2. SUMMARY**

- 2.1 Following recommendations made by the Wales Audit Office on the partnership and collaborative work of the Council (CCBC), an exercise commenced October 2013 to identify partner organisations, significant partnerships and collaborations. This revealed that the total number of significant partner organisations for CCBC is 146, with 35 formal partnerships, 25 collaborations, and CCBC leading in 8 of the collaborative arrangements. This list will be subject to quarterly review through Heads of Service. The report informs of the table and index of collaborative working and partner organisations, the Collaboration and Partnership Protocol including twelve month action plan, and the Partnership Governance Toolkit, and steps being undertaken in delivering the action plan.

### **3. LINKS TO STRATEGY**

- 3.1 Compliance with recommendations of the Wales Audit Office under the Council's Improvement Plan, and requirements of the Annual Governance Review Panel on the partnership and collaborative working of the Council.

### **4. THE REPORT**

- 4.1 Following recommendations made by the Wales Audit Office on the partnership and collaborative work of CCBC, an exercise commenced October 2013 to identify CCBC's partner organisations, significant partnerships and collaborations. Working across the CCBC's directorates it has been identified that CCBC has 146 significant partner organisations, 35 formal partnerships, 25 Collaborations, and leads in 8 of the collaborative ventures. In order to ensure that collaborative work is as effective as possible, Cabinet has agreed a Collaboration and Partnership Protocol, a framework for managing partnerships, and a Partnership Governance Toolkit, to provide partnership leads with guidance on ensuring effective and purposeful partnerships, and achieving intended outcomes with robust scrutiny and governance arrangements in place. A table has been produced displaying at a glance information on CCBC's partnerships and collaborations, and an index of all partner

organisations. The Audit Committee has played an instrumental part in the development of these documents through guidance given following reports to the Audit Committee meetings on 11<sup>th</sup> December 2013, 5<sup>th</sup> March 2014, and 11<sup>th</sup> June 2014.

- 4.2 The table and index of partnerships and collaborations (see Appendix 1), Collaboration and Partnership Protocol and Action Plan for Delivery (see Appendix 2), and Partnership Governance Toolkit (see Appendix 3) have been placed on CCBC's intranet under the Corporate Governance link. The Management Network has been alerted to this documentation, with a presentation to be made to the Management Network on 12<sup>th</sup> December 2014. The partnership list will be updated quarterly commencing in January 2015 through Heads of Service, with partnerships subject to spot checks.
- 4.3 The process for undertaking spot checks on the partnerships and collaborations has been discussed by the Corporate Governance Review Panel in their meeting on 21<sup>st</sup> November 2014 and it has been decided that spot checks will be carried out on two of the partnerships and three of the collaborations. This work will be undertaken between January and February 2015 with a report drafted for the consideration of the Corporate Governance Review Panel, Improving Governance Programme Board and Corporate Management Team (CMT). The spot check audits, together with the quarterly reviews of the partnership and collaborations data will be: incorporated into the Council's Annual Constitution Review; inform the Corporate Governance Review Panel Annual Governance Statement, with an annual summary report on the partnership work made to the Audit Committee in June 2015. A full report on the 12 month action plan for incorporating the work around partnerships and collaborations will also be made to the Corporate Governance Review Panel and Improving Governance Programme Board to determine whether a further action plan is needed, or if this work is to become business as usual.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 The Council's partnerships and collaborative working take into consideration the Equalities Act 2010 (Statutory Duties) (Wales) Regulations 2011, and the Welsh Language (Wales) Measure 2011.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 Further details on financial information provided is available in the full report of CCBC's partnerships and collaborations, copies of which can be obtained through the report's author.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 Significant staff time is invested in partnership and collaborative working by the Council.

## **8. CONSULTATIONS**

- 8.1 The Collaboration and Partnership Protocol and Action Plan for Delivery, together with accompanying Partnership Governance Toolkit, were issued for a 4 week consultation. Consultees included: the Corporate Management Team, all Heads of Service, partnerships and collaborative leads, the Caerphilly Delivers Single Integrated Plan delivery group (CCBC staff only), and all officers who provided information on CCBC partnerships and collaborations. Six responses were made, which were generally supportive of the proposed documents with a couple of minor additions suggested, which were incorporated into the finalised Protocol and Governance Toolkit.

## **9. RECOMMENDATIONS**

- 9.1 For the Committee to note progress around the partnership and collaborative working with the publication of the Collaboration and Partnership Protocol including twelve month action plan for delivery, and Partnership Governance Toolkit, and steps being made to implement the action plan.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 For the Audit Committee in noting the progress so far, to make any further observations to be included in the 12 month action plan for embedding the structure for managing effective partnerships into the day to day work of CCBC.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 2000, and the Local Government (Wales) Measure 2009 (Part 2) Community Strategies.

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Consultees: Nicole Scammell - Acting Director of Corporate Services & S151  
Colin Jones - Head of Performance and Property Services  
Gail Williams – Interim Head of Legal and Democratic Services  
Richard M Harris - Internal Audit Manager  
Alessandra Veronese – Programme Manager  
Joanne Jones - Corporate Information Governance Manager

Appendices:  
Appendix 1 Table and index of partnerships and collaborations  
Appendix 2 Collaboration and Partnership Protocol and Action Plan for Delivery  
Appendix 3 Proposed Partnership Governance Toolkit

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Table:Caerphilly County Borough Council Partnerships Overview

Formal Partnerships (number 35)	Collaborations (number 25)
<p><b>Blaenau Gwent Youth Offending Service</b> Lead: Assistant Director, Children Services Welsh Govt instruction to collaborate: Statutory Partnership</p>	<p><b>Caerphilly Passport Programme</b> Lead: Head of People Management &amp; Development Welsh Govt instruction to collaborate: This Caerphilly Local Service Board project is funded by a successful Welsh Government bid to access European Social Fund (ESF) funding.</p>
<p><b>Caerphilly and Blaenau Gwent Citizens Advice Bureau</b> Lead: Policy &amp; Research Manager Welsh Govt instruction to collaborate: No</p>	<p><b>Federation Disability Sport Wales</b> Lead: Sport &amp; Leisure Development Manager Welsh Govt instruction to collaborate: No</p>
<p><b>Caerphilly Business Forum</b> Lead: Group Manager Business Enterprise Support Welsh Govt instruction to collaborate: No</p>	<p><b>Gwent Collaboration on Recreation and Leisure</b> Lead: Sport &amp; Leisure Development Manager Welsh Govt instruction to collaborate: No</p>
<p><b>Caerphilly Community Strategy Standing Conference</b> Lead: Policy &amp; Research Manager, and Programme Manager Welsh Govt instruction to collaborate: Yes under community planning guidance.</p>	<p><b>Gwent Frailty Programme (joint committee)</b> Lead: Assistant Director, Adult Services Welsh Govt instruction to collaborate: <b>CCBC Lead: Lead Commissioner</b></p>
<p><b>Caerphilly Local Service Board</b> Lead: Chief Executive Welsh Govt instruction to collaborate: Voluntary arrangement, although Local Service Boards to become statutory in 2016 with the introduction of Public Service Boards through the Well-being of Future Generations (Wales) Bill.</p>	<p><b>Gwent Multi Agency Missing Children Project</b> Lead: Assistant Director, Children Services Welsh Govt instruction to collaborate:</p>
<p><b>Compact Partners (to the Compact Agreement with the Voluntary Sector in the borough)</b> Lead: Policy &amp; Research Manager Welsh Govt instruction to collaborate: Voluntary arrangement but considered</p>	<p><b>Gwent Trading Standards Project</b> (potential collaboration Public Protection) Lead: Trading Standards &amp; Licensing Manager Welsh Govt instruction to collaborate: Trading Standards is a service identified</p>

good practice with Welsh Government reserving right to make mandatory in the future.	within 'A Compact for Change' between the Welsh Government and Welsh Local Government as one that should be considered for collaborative service delivery.
<b>Communities First Programme</b> Lead: Community Regeneration Manager Welsh Govt instruction to collaborate: Yes this is a Welsh Government funded Anti Poverty Programme.	<b>Gwent Wide Adult Safeguarding Board</b> Lead: Assistant Director, Adult Services Welsh Govt instruction to collaborate: Statutory Partnership
<b>Cwm a Mynydd Partnership</b> Lead: Partnership and Multi Agency Relationship Officer Welsh Govt instruction to collaborate: The Partnership manages the Rural Development Programme in the Caerphilly borough funded by the EU and managed by the Welsh Government.	<b>Gwent wide Integrated Community Equipment Service</b> Lead: Assistant Director, Adult Services Welsh Govt instruction to collaborate: Yes
<b>Early Years Service Areas Partnerships Initiatives – comprising of Flying Start, Early Years and Childcare, the Family Information Services and Family Support</b> Lead: Early Years Manager Welsh Govt instruction to collaborate: Yes through the Welsh Government's Flying Start Programme.	<b>In One Place</b> (under development) Lead: Principal Private Sector Housing Officer & Service Manager (Mental Health and Substance Misuse) Welsh Govt instruction to collaborate:
<b>Families First Board</b> Lead: Families First and Children and Young People's Coordinator and Lead Director for Children and Young People Welsh Govt instruction to collaborate: through the Welsh Government's Families First Programme, Flying Start, Communities First.	<b>Prosiect Gwyrdd</b> Lead: Head of Community and Leisure Services (technical lead) and Contracts Manager (procurement lead) Welsh Govt instruction to collaborate: <b>CCBC Lead: Scrutiny lead</b>
<b>Football Association of Wales Trust</b> Lead: Sport & Leisure Development Manager Welsh Govt instruction to collaborate: No	<b>Local Investment Fund</b> Lead: Group Manager Business Enterprise Support Welsh Govt instruction to collaborate: EU funded regional project.



<p><b>Glamorgan Archives (joint committee)</b>  Lead: Glamorgan Archivist, Cardiff Council  Welsh Govt instruction to collaborate: No</p>	<p><b>Mitigating Welfare Reform Across Gwent</b>  Lead: Customer Services Manager  Welsh Govt instruction to collaborate: No  <b>CCBC Lead: host employer of staff</b></p>
<p><b>Greater Gwent Crematorium (Joint Committee)</b>  Lead: Head of Law &amp; Standards, Newport City Council  Welsh Govt instruction to collaborate: No</p>	<p><b>Monmouthshire Farm School Endowment Collaboration</b>  Lead: Not provided  Welsh Govt instruction to collaborate: No</p>
<p><b>Gwent Archives (joint committee)</b>  Lead: Gwent Archivist, Gwent Archives  Welsh Govt instruction to collaborate: No</p>	<p><b>Shared Legal Services</b>  Lead: Head of Legal and Democratic Services  Welsh Govt instruction to collaborate:</p>
<p><b>Gwent Association of Voluntary Organisations</b>  Lead: Policy &amp; Research Manager  Welsh Govt instruction to collaborate: No</p>	<p><b>South East Wales Adoption Service</b>  Lead: Assistant Director, Children Services  Welsh Govt instruction to collaborate: Yes to meet the requirements and implementation of the Social Services and Well-being (Wales) Act 2014.</p>
<p><b>Gwent Local Resilience Forum</b>  Lead: Emergency Planning Manager  /regional/national priorities: Yes  Welsh Govt instruction to collaborate: Yes this is a UK Government requirement.</p>	<p><b>South East Wales Adult Placement Scheme</b>  Lead: Assistant Director, Adult Services  Welsh Govt instruction to collaborate: Covered by statutory legislation.  <b>CCBC Lead: Hosts regional service</b></p>
<p><b>Heads of the Valleys Organics</b>  (agreement to be finalised)  Lead: Head of Procurement  Welsh Govt instruction to collaborate:</p>	<p><b>South East Wales Biodiversity Records Centre</b>  Lead: Countryside &amp; Landscape Services Manager  Welsh Govt instruction to collaborate: No</p>
<p><b>Health Challenge Caerphilly</b>  Lead: Health Challenge Wales Team Leader  Welsh Govt instruction to collaborate: Yes</p>	<p><b>South East Wales Community Economic Development Programme</b>  Lead: Group Manager Business Enterprise Support  Welsh Govt instruction to collaborate: EU funded regional project.</p>

<p><b>Hockey Wales</b> Lead: Sport &amp; Leisure Development Manager Welsh Govt instruction to collaborate: No</p>	<p><b>South East Wales Emergency Duty Team</b> Lead: Assistant Director, Adult Services Welsh Govt instruction to collaborate: <b>CCBC Lead: Host and provided by CCBC</b></p>
<p><b>Job Centre Plus Flexible Service Delivery Points</b> Lead: Senior Management Library Services Welsh Govt instruction to collaborate: No <b>Note: Partnership inactive</b></p>	<p><b>South Wales Waste Management Group</b> Lead: Head of Community and Leisure Services (technical lead) Welsh Govt instruction to collaborate: <b>CCBC Lead: Procuring authority for the regional WEEE (waste electrical and electronic equipment)</b></p>
<p><b>Joint Supplies Service (County Borough Supplies)</b> (under development) Lead: Head of Procurement Welsh Govt instruction to collaborate:</p>	<p><b>South East Wales Safeguarding Children Board</b> Lead: Assistant Director, Children Services Welsh Govt instruction to collaborate: Yes Statutory Partnership CCBC Lead: Hosts the Business Unit that supports the Board</p>
<p><b>Monmouth and Brecon Canals Regeneration Group</b> Lead: Funding Officer Welsh Govt instruction to collaborate: No</p>	<p><b>South East Wales SWIFT Consortium</b> Lead: Team Manager, SEW Consortia Welsh Govt instruction to collaborate: <b>CCBC Lead: Host employer of staff</b></p>
<p><b>Safer Caerphilly Deliver Group</b> Lead: Community Safety Manager Welsh Govt instruction to collaborate: Statutory Partnership</p>	<p><b>Valleys Regional Park</b> Lead: Countryside &amp; Landscape Services Manager Welsh Govt instruction to collaborate:</p>
<p><b>South East Wales Specialist European Team</b> Lead: Group Manager, Strategy and Funding Welsh Govt instruction to collaborate:</p>	<p><b>Welsh Netball</b> Lead: Sport &amp; Leisure Development Manager Welsh Govt instruction to collaborate: No</p>
<p><b>Sport Wales</b> Lead: Sport &amp; Leisure Development Manager Welsh Govt instruction to collaborate: No</p>	

<p><b>Street Games</b>  Lead: Community Regeneration Manager  Welsh Govt instruction to collaborate: No</p>	
<p><b>Tell Us Once</b>  Lead: Superintendent Registrar  Welsh Govt instruction to collaborate:  Implementing Tell Us Once was part of the Outcome Agreements Improvement Objectives of 2011-12, and aligned to Welsh Government's objectives of joined up government.</p>	
<p><b>Voluntary Sector Liaison Committee</b>  Lead: Policy &amp; Research Manager  Welsh Govt instruction to collaborate:  Voluntary arrangement but considered good practice.</p>	
<p><b>Welsh Purchasing Consortium</b> (joint committee)  Lead: Head of Procurement  Welsh Govt instruction to collaborate:</p>	
<p><b>Welfare Reform Programme/Universal Credit Pilot</b>  Lead: Project Manager &amp; Coordinator and Senior Rents Officer  Welsh Govt instruction to collaborate: No</p>	
<p><b>Welsh Rugby Union</b>  Lead: Sport &amp; Leisure Development Manager  Welsh Govt instruction to collaborate: No</p>	
<p><b>Youth Services (CCBC) Partnership with Statutory Sector (with Communities First and Families First)</b>  Lead: Community Education manager (Participation and Inclusion)  Welsh Govt instruction to collaborate:</p>	
<p><b>Youth Services (CCBC) Partnership</b></p>	

<p><b>with Voluntary Sector (with Gwent Association of Voluntary Organisations, Ystrad Mynach Boy's and Girl's Club, Urdd Gobiath Cymru)</b>  Lead: Senior Community Education Manager  Welsh Govt instruction to collaborate: No instruction, although guidance to work in partnership with the voluntary sector is contained in local and national Youth Service Strategies.</p>	
<p><b>Ystrad Mynach College/ Coleg y Cymoedd</b>  Lead: Sport &amp; Leisure Development Manager  Welsh Govt instruction to collaborate:</p>	

**Table Notes:**

1. The total number of partner organisations is 146 (see Partnership Index below)
2. CCBC is the collaborative lead in 8 of the ventures
3. The following delivery groups are currently being established under Caerphilly Delivers the Single Integrated Plan 2013-17 replacing former community planning thematic partnerships and have not been included in the total number of partnerships for this report. Prosperous Caerphilly, Learning Caerphilly, Healthier Caerphilly and Greener Caerphilly.

**Partnership Index    A-Z of Partner Organisations, Partnerships and Collaborations across  
Caerphilly County Borough Council**

**A**

Aberystwyth University  
Abbeyfield Caerphilly Society  
Abertridwr Community Church  
Action for Children  
Age Concern Gwent  
Alewyd  
Aneurin Bevan University Health Board

**B**

Bargoed YMCA  
Barnardos  
BAG Credit Union in Bargoed  
Big Lottery  
Black Association of Women Step Out  
Blaenau Gwent County Borough Council  
Blaenau Gwent Community Safety Partnership  
Blaenau Gwent and Caerphilly Youth Offending Service (partnership Social Services)  
Business in the Community Wales  
Brecon Beacons National Park Authority  
Bridgend County Borough Council  
British Red Cross (South Wales Branch)  
British Telecom  
British Transport Police  
Bron Afon Housing Association

**C**

Cadwyn Housing Association  
Caerphilly 50+ Forum (partnership network representative sitting on Voluntary Sector Liaison Committee)  
Caerphilly Borough Compact Agreement (partnership of Compact Partners)  
Caerphilly and Blaenau Gwent Citizens Advice Bureau (partnership arrangements in place with CCBC Policy Unit, Corporate Services, and Rents, Environment)  
Caerphilly and Blaenau Gwent Education Inclusion Services (partnership representative on Blaenau Gwent and Caerphilly Youth Offending Service)  
Caerphilly Business Forum (partnership network represented sitting on Voluntary Sector Liaison Committee, Forum supported by Regeneration and Planning)  
Caerphilly Community Strategy Standing Conference (Community Planning Partners)  
Caerphilly Home Start  
Caerphilly Local Service Board (partnership)  
Caerffili Menter Iaith  
Caerphilly MIND

Caerphilly Parents and Carers (partnership network representative sitting on Voluntary Sector Liaison Committee)  
Caerphilly Passport Scheme (partnership Human Resources, Corporate Services)  
Caerphilly People First  
Campaign for the Protection of Rural Wales  
Canal Trust for Wales  
Cancercareline  
Capital Region Tourism  
Cardiff Council  
Cardiff University  
Care and Repair Caerphilly  
Care and Social Services Inspectorate Wales  
Careers Wales  
Care Council Wales  
Carmarthenshire County Council  
Ceredigion County Council  
Child and Adolescent Mental Health Services  
C.H.A.D Independent Living Centre (Bargoed)  
Children in Wales  
Chwarae Teg  
Clybiau Plant Cymru  
Clybiau y Cymoedd  
Coastguard  
Coalfields Regeneration Trust  
Coleg y Cymoedd/Ystrad Mynach College (partnership Education)  
Coleg Gwent  
Communities First Programme (partnership Regeneration and Planning)  
Crossroads South East Wales  
Crown Prosecution Service  
Cruse Bereavement Care  
Cwm a Mynydd Partnership

## **D**

Denbighshire County Council  
Department of Work and Pensions (local)  
Disability Can Do Organisation

## **E**

Educ8  
Education and School Improvement Service South Wales

## **F**

Families First (partnership Education and Inclusion Services)  
Fairlake Properties  
Farmers Union Wales  
Federation Disability Sport Wales (collaboration Community and Leisure Services, Environment)

Federation of Small Businesses  
First Choice Housing Association  
Flintshire County Borough Council  
Football Association Wales Trust (partnership Community and Leisure Services,  
Environment)  
Forensic Service

## **G**

Glamorgan Archives (partnership ICT)  
GO Wales (graduate participants and funding)  
GOFAL  
Greater Gwent Crematorium Joint Committee (partnership Community and Leisure Services)  
Groundwork Caerphilly Trust (partnership arrangements in place with Policy Unit, Corporate Services)  
Grŵp Gwalia Cyf  
Gwent Archives (partnership ICT)  
Gwent Association of Voluntary Organisations (partnership arrangements in place with Policy Unit, Corporate Services, Communities First)  
Gwent Frailty Programme (collaboration Social Services)  
Gwent Local Resilience Forum (partnership Public Protection, Environment)  
Gwent Multi Agency Missing Children Project (collaboration Social Services)  
Gwent Police  
Gwent Police and Crime Commissioner Office  
Gwent Trading Standards Project (potential collaboration Public Protection, Environment)  
Gwent Wildlife Trust  
Gwent Wide Adult Safeguarding Board (collaboration Social Services)  
Gwent Wide Integrated Community Equipment Services (collaboration Social Services)

## **H**

Heads of the Valley Organics (a Procurement, Corporate Services and Environment partnership agreement not yet finalised)  
Health Challenge Caerphilly (partnership Public Protection, Environment)  
HM Prisons  
Hockey Wales (partnership Community and Leisure Services, Environment)  
Home Office  
Homestart

## **I**

In One Place initiative (collaboration Housing, Environment)  
Integrated Service for Children with Additional Needs  
Islwyn Canals Association  
Islwyn Credit Union

## **J**

Job Centre Plus  
Job Centre Plus Flexible Service Delivery Points (partnership Libraries, Education)  
Joint Emergency Services Group

Joint Supplies Service (County Borough Supplies) (formal partnership agreement  
Procurement, Corporate Services)

## **K**

## **L**

Llamau  
Linc Cymru

## **M**

Melin Homes  
Merthyr Tydfil County Borough Council  
Mid and West Wales Fire and Rescue Service  
Mitigating Welfare Reform Across Gwent (collaboration ICT and Customer Services,  
Corporate Services, Caerphilly LSB led)  
Monmouthshire and Brecon Canals Association  
Monmouth and Brecon Canals Regeneration Group (partnership Regeneration and Planning)  
Monmouthshire County Borough Council  
Monmouthshire Housing Association  
Monmouthshire Farm Schools Endowment Collaboration

## **N**

National Grid  
National Library of Wales, Aberystwyth  
Neath Port Talbot County Borough Council  
Natural Resources Wales  
New CLURV  
Newport City Council  
Newport City Homes  
Newport Housing Trust

## **O**

## **P**

Pembrokeshire County Council  
Personal Information Sharing Project (collaboration ICT, Caerphilly LSB led)  
Powys County Council  
Pontypool Park Estate  
Professional Association for Childcare and Early Years  
Prosiect Gwyrdd (collaboration Procurement/Scrutiny and Directorate of the Environment)  
Public Health Wales

## **Q**

## **R**

Regional Domestic Abuse Forum (categorised as partnership sits on Social Services  
safeguarding boards)



Rhondda Cynon Taf Council  
Right from the Start  
Royal Agriculture College of Cirencester  
Royal Voluntary Service

## **S**

Safer Caerphilly Delivery Group (Single Integrated Plan multi agency delivery group)  
Senghenydd Youth Drop In Centre  
Seren Housing Group  
Scottish Power  
Shared Legal Services South East and Mid Wales (collaboration Legal Services, Corporate Services)  
Shelter Cymru  
Sight Support (Pontypool)  
South East Wales Adoption Service (collaboration Social Services)  
South East Wales Adult Placement Scheme (collaboration Social Services)  
South East Wales Biodiversity Records Centre (collaboration Regeneration and Planning)  
South East Wales Emergency Duty Team (collaboration Social Services)  
South East Wales Safeguarding Children Board (collaboration Social Services)  
South East Wales Specialist European Team (partnership Regeneration and Planning)  
South East Wales SWIFT Consortium (collaboration Social Services)  
South Wales Fire and Rescue Service  
South Wales Police  
South Wales Trunk Road Agency  
South Wales Waste Management Group (collaboration Procurement, Corporate Services)  
Sports Wales (partnership Community and Leisure Services, Environment)  
St. Johns Ambulance  
Street Games UK (partnership Community and Leisure Services, Environment, Regeneration and Planning)  
Strengthening Families  
Swansea Council

## **T**

Tai Calon  
Tell Us Once Birth (partnership Registrars)  
The Parents Network (partnership network represented sitting on Voluntary Sector Liaison Committee)  
The Settlement  
Torfaen County Borough Council  
Torfaen Voluntary Alliance

## **U**

United Welsh Housing Association  
Urdd Gobaith Cymru

## **V**

Vale of Glamorgan County Borough Council

Valleys to Coast Housing  
Valleys Regional Park (collaboration Regeneration and Planning)  
Vanguard Caerphilly  
Van Road United Reform Church  
Vision Products  
Voluntary Sector Liaison Committee (partnership of Compact Partners and Voluntary Sector Representatives)

## **W**

Wales Audit Office  
Wales European Funding Office  
Wales Cooperative Centre  
Wales Probation Trust  
Wales Pre-school Providers Association  
Welsh Purchasing Consortium (partnership Procurement, Corporate Services)  
Wales Strategic Migration Partnership  
Wales and West Housing Association  
Welsh Ambulance Service NHS Trust  
Welsh Government  
Welsh Local Government Association  
Welsh Rugby Union (partnership Community and Leisure Services, Environment)  
Welsh Netball (collaboration Community and Leisure Services, Environment)  
Western Power Distribution  
White Rose Information and Resource Centre  
Wrexham County Borough Council

## **X**

## **Y**

Youth Offending Family Support  
Youth Service (CCBC) Partnership with Statutory Sector  
Youth Service (CCBC) Partnership with Voluntary Sector  
Ystrad Mynach Boy's and Girl's Club (partnership Education)  
Ystrad Mynach College/ Coleg y Cymoedd (partnership Education)

## **Z**

## CAERPHELLY COUNTY BOROUGH COUNCIL COLLABORATION AND PARTNERSHIP PROTOCOL AND ACTION PLAN FOR DELIVERY

### INTRODUCTION

Local government faces increasingly demanding and complex community need and expectations, and with limited resources effective collaborations and partnerships are ways that councils can respond to these challenges. Partnership and collaborative working can bring real benefits in achieving more with better use of resources than organisations can deliver alone. The power of partnerships in achieving community benefits is recognised by both the Welsh Government, and the Commission on Public Service Governance and Delivery. The Local Government White Paper calls for a *greater pace and commitment in progressing collaborative initiatives* noting local authorities *critical role as the local democratic heart of collaboration across public services*.<sup>1</sup> The Well-being of Future Generation (Wales) Bill also places emphasis on public bodies developing *collaborative solutions* through forming well-being plans for their localities.<sup>2</sup> However, it is also acknowledged by the Commission on Public Service Governance and Delivery that the current system of collaborative working is complex, burdensome and is in need of an overhaul to ensure purposeful and effective partnerships with clear remits for delivery.<sup>3</sup>

Caerphilly County Borough Council is proactively responding to the challenge to ensure its partnerships and collaborations are fit for purpose. This Protocol sets a partnerships and collaborations framework to ensure there is a clear structure for partnership work, and provides a twelve month action plan for ensuring a robust structure for partnership working (see Appendix 1). A separate toolkit is provided for building and maintaining effective partnership governance arrangements, and in achieving a high level of partnership performance.<sup>4</sup>

### IDENTIFYING PARTNERSHIPS AND COLLABORATIONS

A comprehensive review has been undertaken of Caerphilly County Borough Council's (CCBC's) partnerships and collaborative working.<sup>5</sup> The total number of significant partner organisations for CCBC is 146, with 35 formal partnerships, 25 collaborations, and CCBC the lead in 8 of the collaborative arrangements. It is to be noted that 25 of the partnerships/collaborations are either statutory/deemed as good practice/in receipt of Welsh Government collaboration funding. There is a strong base of working in partnership in a Gwent wide/South Wales/South East Wales footprint.

### DEFINING PARTNERSHIPS AND COLLABORATIONS

Despite the plethora of literature on effective partnership working there are limited definitions on what is meant by 'partnerships'. The literature, does however, tend to make a distinction between 'formal' partnerships, and 'informal' partnerships. An Audit Commission report<sup>6</sup> in making this distinction also excludes networks of professional relationships and contractual relationships from its analysis of partnerships. This has been the approach used in defining partnerships by CCBC.

For collaborations the following Wales Audit Office<sup>7</sup> definition has been adhered to:-

*Collaborative working can be defined as seeking to maximise efficiency gains through the scale in economies of more effective co-operation and co-ordination between agencies*

*across the whole of the public sector, not excluding the independent, voluntary and private sectors. By using co-ordination rather than competition, users and producers of public services are enabled to be on the same side. As a consequence, the best outcomes are obtained when those who use and those who provide services work together in collaboration (p4).*

While a universally agreed list of the types of model of collaborative working does not exist the Welsh Local Government Association<sup>8</sup> has identified six main models of partnership working. The following models are used by CCBC in identifying collaborations:-

- **Delegation of functions** – a delegation of functions (based on statutory powers rather than contract) to another authority. It should not be categorised or documented in the same way as a contractual arrangement.
- **Joint committee** – this model usually involves one authority hosting the service with the other collaborating partners contributing to costs incurred.

The following are NOT covered by this work in the identification of collaborations:-

- **Informal arrangements**
- **Shared appointment/secondment**
- **Contractual arrangements** – with one authority providing goods or services under contract to another authority either on a cost recovery or for profit basis.
- **Corporate/Joint Venture** – where two or more authorities establish a corporate vehicle (usually a company) either as the vehicle for providing services back to themselves and/or to trade with a view to generating additional income.

## **FRAMEWORK FOR PARTNERSHIPS AND COLLABORATIONS**

The following two factors are to be considered at Head of Service level in both agreeing and continuing to work in partnership, for ensuring a consistent approach across the CCBC, and that the anticipated collaborative benefits are being reaped:

1. **Clear reasons to be determined for why there is a need to work in partnership or collaboration, or continuation with the venture** - for example the Audit Commission<sup>9</sup> gives five main reasons for working in partnership:-
  - to deliver co-ordinated packages of services to individuals;
  - to tackle so-called 'wicked issues';
  - to reduce the impact of organisational fragmentation and minimise the impact of any perverse incentives that result from it;
  - to bid for, or gain access to new resources; and
  - to meet a statutory requirement (p9)

It can be further added:-

- to add value in improving range and quality of services for the public;
- for cost benefits and improving value for money;
- to minimise/eradicate duplication.

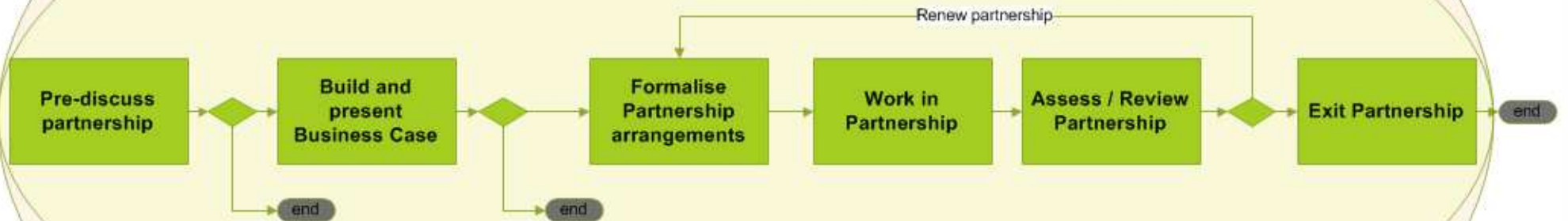
2. **Consideration of the essential components to build in to collaborative arrangements for ensuring effective partnership working**, such as:-
  - Defining clarity and purpose and benefits of collaboration;
  - Determining outcomes with a realistic plan and timetable for reaching those outcomes;

- Consideration of risk and positively managing risk;
- Assessment of value for money;
- Establishing clear and robust partnership arrangements with defined lines of accountability and scrutiny for accessing partnership performance;
- Establishing commitment and ownership and level of trust between partners, and mechanism for dispute resolution;
- Process for monitor, review, assessment and audit with defined ways of measuring the partnership's achievements;
- Process for disbanding collaborations and partnerships and agreeing exit strategy.

The partnership and governance life cycle is displayed in the following diagram:-

# Partnerships and Collaborations Life-cycle

Monitoring and reporting



Communicating

The Corporate Management Team (CMT) has endorsed this protocol, which will be implemented through the accompanying twelve month action plan (see Appendix 1). Regular review and monitoring of progress will be undertaken by the Corporate Governance Review Panel and the Improving Governance Programme Board, with reports made to the CMT. An annual summary report will be made on CCBC's partnership work to the Council's Audit Committee.

## REFERENCES

1. Welsh Government (July 2014) **Devolution, Democracy and Delivery White Paper Reforming Local Government** Crown Copyright
2. Welsh Government (July 2014) **Well-being of future Generations (Wales) Bill Explanatory Memorandum Incorporating the Regulatory Impact Assessment and Explanatory Notes**
3. **Commission on Public Service Governance and Delivery** (January 2014) Crown Copyright
4. Caerphilly County Borough Council (June 2014) **Partnership Governance Toolkit** Policy Unit
5. **Caerphilly County Borough Council Partnerships and Collaborations** (May 2014) Policy Unit
6. Audit Commission (1998) **A Fruitful Partnership**
7. Wales Audit Office (2013) **Collaboration Caerphilly County Borough Council**
8. Welsh Local Government Association (2012) **Legal Guidance for Collaboration** Trowers & Hamlins LLP
9. Audit Commission (1998) **A Fruitful Partnership**

APPENDIX 1 - COLLABORATION AND PARTNERSHIP PROTOCOL ACTION PLAN FOR DELIVERY JULY 2014 - JUNE 2015

Activity	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>Develop Partnership Governance Toolkit</b> - with Collaboration and Partnership Protocol and Action Plan for Delivery (to be issued for consultation until 15 <sup>th</sup> August 2014). The finalised Protocol and Toolkit, with Partnerships and Collaborations List to be circulated to Management Network	✓	✓	✓	✓								
<b>Consideration of how best to build in service users assessments into process/demonstrating how partnerships are making a difference to local people</b> – for discussion with Corporate Governance Review Panel 18 <sup>th</sup> July 2014	✓											
<b>Report to Policy and Resources Scrutiny Committee 30<sup>th</sup> September 2014</b>			✓									
<b>Report to Cabinet 15<sup>th</sup> October 2014</b>				✓								
<b>Review list of partnerships and collaborations through Heads of Service</b> – with updated list reported to Corporate Governance Review Panel and Improving Governance Programme Board. Reviews to be undertaken on quarterly basis, with latest list to be place for continual staff reference on CCBC's intranet							✓	✓				
<b>Corporate Governance Review Panel to select partnerships for governance arrangements check</b> - to review robustness of governance arrangements, and ability for the partnership to be hold to account through scrutiny. Initial discussions held at 18 <sup>th</sup> July 2014 meeting	✓				✓							
<b>Undertaking governance arrangements check</b> – including report write up for Corporate Governance Review Panel and Improving Governance Programme Board and Corporate Management Team with progress report for 3 <sup>th</sup> December 2014 Audit Committee					✓	✓	✓	✓				
<b>Review list of partnerships and collaborations through Heads of Service</b> – with updated list reported to Corporate Governance Review Panel and Improving Governance Programme Board										✓	✓	
<b>Review list of partnerships and collaborations through Heads of Service</b> – with updated list reported to Corporate Governance Review Panel and Improving Governance Programme Board												✓
<b>For the Council's Constitution to be reviewed</b> to incorporate										✓	✓	



any necessary changes as a result of the collaborative and partnership arrangements in place												
<b>Annual Governance Statement</b> - for the partnership and collaboration work to inform the Annual Governance Review Panel in its preparation of the Statement in June 2015												✓
<b>Annual summary report made on the Council's partnership work</b> to the Council's Audit Committee												✓
<b>Full report on 12 month action plan for delivery</b> – to Corporate Governance Review Panel and Improving Governance Programme Board identifying whether further action plan needed, or if work to become business as usual												✓

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## CAERPHILLY COUNTY BOROUGH COUNCIL PARTNERSHIP GOVERNANCE TOOLKIT

### INTRODUCTION

This Partnership Governance Toolkit is designed to ensure that Caerphilly County Borough Council has purposeful and effective partnerships with clear remits for delivery. The toolkit provides guidance for building and maintaining effective partnership governance arrangements, and in achieving a high level of partnership performance.

A review of Caerphilly County Borough Council's partnerships and collaborations reveals the total number of significant partner organisations for the Council is 146, with 35 formal partnerships, 25 collaborations, and the Council as the lead in 8 of the collaborative arrangements.<sup>1</sup> It is to be noted that 25 of the partnerships/collaborations are either statutory/deemed as good practice/in receipt of Welsh Government collaboration funding. There is a strong base of working in partnership in a Gwent wide/South Wales/South East Wales footprint. A list of current partnerships and collaborations, including governance arrangements, alignment with local and national priorities, and lead officer is available on the Council's Intranet.

Alongside this guidance is a **Caerphilly County Borough Council Collaboration and Partnership Protocol**, which introduces quarterly reviews of the Council's partnerships and collaborations at Head of Service level, and checks on governance arrangements. Responsibility for forming new partnerships and terminating existing partnership arrangements resides with the Head of Service responsible for the area. There will be an annual summary report made on the Council's partnership work to the Council's Audit Committee.

### DEFINING PARTNERSHIPS AND COLLABORATIONS

Partnerships falling under the scope of this guidance and the Council's **Collaboration and Partnership Strategy** are defined as 'formal' partnerships, with 'formal accountability' built in, for effective working relationships at operational levels in achieving better outcomes for local people. This is distinct from 'informal' partnerships, such as knowledge/information sharing, and networks of professional relationships, which do not have to involve organisational commitment. The Council has decided to exclude contractual relationships from its analysis of partnerships, as these arrangements are mutually beneficial and so different in focus from joint work around shared objectives. However, it is noted that contractual arrangements can have partnership characteristics.

For collaborations the following Wales Audit Office<sup>2</sup> definition has been adhered to:-

*Collaborative working can be defined as seeking to maximise efficiency gains through the scale in economies of more effective co-operation and co-ordination between agencies across the whole of the public sector, not excluding the independent, voluntary and private sectors. By using co-ordination rather than competition, users and producers of public services are enabled to be on the same side. As a consequence, the best outcomes are obtained when those who use and those who provide services work together in collaboration (p4).*

While a universally agreed list of the types of model of collaborative working does not exist the Welsh Local Government Association<sup>3</sup> has identified six main models of partnership working. The following models are used by CCBC in identifying collaborations:-

- **Delegation of functions** – a delegation of functions (based on statutory powers rather than contract) to another authority. It should not be categorised or documented in the same way as a contractual arrangement.
- **Joint committee** – this model usually involves one authority hosting the service with the other collaborating partners contributing to costs incurred.

The following are NOT covered by this work in the identification of collaborations:-

- **Informal arrangements**
- **Shared appointment/secondment**
- **Contractual arrangements** – with one authority providing goods or services under contract to another authority either on a cost recovery or for profit basis.
- **Corporate/Joint Venture** – where two or more authorities establish a corporate vehicle (usually a company) either as the vehicle for providing services back to themselves and/or to trade with a view to generating additional income.

The Commission on Public Service Governance and Delivery<sup>4</sup> has recommended that Local Service Boards maintain a single register of local partnerships, and overhaul partnerships to ensure they are ‘radically streamlined and made more effective’ and align with local and national outcomes, with partnerships that compound complexity, or do not add value disbanded (p88-90). Likewise the reform agenda set out by the Welsh Government for public services<sup>5</sup> calls for reducing complexity, simplifying governance arrangements, innovation in achieving outcomes, refining performance systems and developing ‘the role of audit, inspection and regulation in supporting this agenda.’ (p20)

## **FRAMEWORK FOR PARTNERSHIPS AND COLLABORATIONS**

The following two factors will be considered at Head of Service level in both agreeing and continuing to work in partnership, for ensuring a consistent approach across CCBC, and that the anticipated collaborative benefits are being reaped:

1. **Clear reasons to be determined for why there is a need to work in partnership or collaboration, or continuation with the venture** - for example the Audit Commission<sup>6</sup> gives five main reasons for working in partnership:-
  - to deliver co-ordinated packages of services to individuals;
  - to tackle so-called ‘wicked issues’;
  - to reduce the impact of organisational fragmentation and minimise the impact of any perverse incentives that result from it;
  - to bid for, or gain access to new resources; and
  - to meet a statutory requirement (p9).

It can be further added:-

- to add value in improving range and quality of services for the public;
- for cost benefits and improving value for money;
- to minimise/eradicate duplication.

2. **Consideration of the essential components to build in to collaborative arrangements for ensuring effective partnership working**, such as:-
- Defining clarity and purpose and benefits of collaboration;
  - Determining outcomes with a realistic plan and timetable for reaching those outcomes;
  - Consideration of risk and positively managing risk;
  - Assessment of value for money;
  - Establishing clear and robust partnership arrangements with defined lines of accountability and scrutiny for accessing partnership performance;
  - Establishing commitment and ownership and level of trust between partners, and mechanism for dispute resolution;
  - Process for monitor, review, assessment and audit with defined ways of measuring the partnership's achievements;
  - Process for disbanding collaborations and partnerships and agreeing exit strategy.

### **CREATING NEW PARTNERSHIPS**

To create new partnership arrangements a report must be prepared for the appropriate Head of Service detailing a business case for establishing the partnership or collaboration. This should cover:-

- Project rational/justification for the partnership such as:-
  - to meet organisational priorities that cannot be achieved by the Council working alone
  - using resources more effectively and achieving value for money.
- Remit, aims and outcomes for the partnership working and intended partnership's lifespan;
- Assessment of ways in which to gauge/capture the partnership's achievements;
- Consideration of associated risk;
- Cost benefits analysis including resources available for the partnership's work/future resource implications/whether potential project benefits outweigh associated costs;
- Proposed membership of partnership;
- Accountability and scrutiny arrangements, including monitoring, reporting, review to who and when;
- Consideration of ways to gather local peoples' views on the effectiveness of the partnership working, and how it is delivering to meet citizen and community needs.

In considering the business case the Head of Service will decide whether there is a need for establishing the partnership or collaboration.

### **GOVERNANCE ARRANGEMENTS**

Governance is all about the arrangements partnerships put in place to ensure it is undertaking the right tasks, in the correct manner, delivering to the target group, in a timely and accountable fashion. For new and existing partnerships and collaborations the following governance arrangements need to be in place:-

- Clear partnership purpose with set aims, objectives and outcomes;
- Nomination of lead officer;
- Explicit lines of accountability (including partners' areas of responsibility) with set transparent decision making processes and scrutiny arrangements;
- Partnership's procedures and rules, such as in declaring conflict of interests;
- Protocols for information sharing;
- A consideration of any implications arising from the Equalities Act 2010, and the statutory General Duty placed on public authorities.

The Council's Corporate Governance Review Panel will from time to time select partnerships and collaborations to ensure good governance arrangements are in place. Details of the

review will be included as part of the annual partnership report to the Council's Audit Committee (see Appendix 1 for Partnership Governance Check Discussion Guide).

## **ANNUAL PARTNERSHIPS ASSESSMENTS**

Annual partnership *health checks* should be undertaken reconsidering and revising if necessary the partnership's aims, outcomes and working arrangements.

Guidance for helping a local authority and its partners improve the accountability and performance of partnerships has been produced by the Commission on Good Governance in Public Services<sup>7</sup> providing the following six core principles of good governance:-

1. **Good governance means focusing on the organisation's purpose and on outcomes for citizens and service users**
  - clear purpose and intended outcomes for citizens and service users;
  - ensuring high quality service;
  - making sure taxpayers receive value for money.
2. **Good governance means performing effectively in clearly defined functions and roles**
  - clear about the functions of the governing body;
  - clear about the responsibilities of non-executives and the executive and making sure that those responsibilities are carried out;
  - clear about relationships between governors and the public.
3. **Good governance means promoting values for the whole organisation and demonstrating the values of good governance through behaviour**
  - putting organisational values into practice;
  - individual governors behaving in ways that uphold and exemplify effective governance.
4. **Good governance means taking informed, transparent decisions and managing risk**
  - being rigorous and transparent about how decisions are taken;
  - having and using good quality information, advice and support;
  - making sure that an effective risk management system is in operation.
5. **Good governance means developing the capacity and capability of the governing body to be effective**
  - making sure that appointed and elected governors have the skills, knowledge and experience they need to perform well;
  - developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group;
  - striking a balance, in the membership of the governing body, between continuity and renewal.
6. **Good governance means engaging stakeholders and making accountability real**
  - understanding formal and informal accountability relationships;
  - an active and planned approach to dialogue with and accountability to the public;
  - an active and planned approach to responsibility to staff;
  - engaging effectively with institutional stakeholders.

For a detailed account of the six core principles of good governance visit – [http://www.cipfa.org/-/media/Files/Publications/Reports/governance\\_standard.pdf](http://www.cipfa.org/-/media/Files/Publications/Reports/governance_standard.pdf)

Another useful guide in undertaking governance health checks has been published by the Chartered Institute of Public Finance and Accountancy (CIPFA)<sup>8</sup> which identifies the following six core principles of good governance, and a means for partnership evaluation of the principles:

- **Principle 1** - focusing on the purpose of the partnership and on outcomes for the citizens and service users and the partnership vision.
- **Principle 2** - working effectively together with clearly defined roles and responsibilities.
- **Principle 3** - promoting values for the partnership and demonstrating the values of good governance through high standards of conduct and behaviour.
- **Principle 4** - taking informed and transparent decisions which are subject to scrutiny and managing risk.
- **Principle 5** - developing the capacity and capabilities of the members and officers of the partnership to be effective.
- **Principle 6** - engaging with local people and other stakeholders and making accountability real.

For further details refer to the full publication:-



Partnership  
Governance checklist.c

The Office of the Deputy Prime Minister<sup>9</sup> has developed a useful partnership assessment tool based on the following six partnership principles:-

- Principle 1** – Recognise and accept the need for partnership.
- Principle 2** – Develop Clarity and Realism of Purpose.
- Principle 3** – Ensure Commitment and Ownership.
- Principle 4** – Develop and Maintain Trust.
- Principle 5** – Create Clear and Robust Partnership Arrangements.
- Principle 6** – Monitor, Measure and Learn.

The tool enables a quick appraisal to identify any problem areas in partnership working, and for those just setting up partnerships, provides a checklist of what to ensure and what to avoid. For further information visit –

<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/localgovernment/pdf/135112.pdf>

## **ENDING PARTNERSHIPS ARRANGEMENTS**

In managing partnerships effectively when the partnership has achieved its purpose the lead officer must alert the responsible Head of Service for the arrangements to be formally terminated. This could be because:-

- Outcomes of the joint work have been achieved;
- Funding/resources available for the venture have ceased;
- The focus for the work has been superseded/priorities have changed/a new approach has been formed for tackling the issue;

- Assessment had revealed the partnership is not meeting its objectives and can no longer deliver the envisaged outcomes.

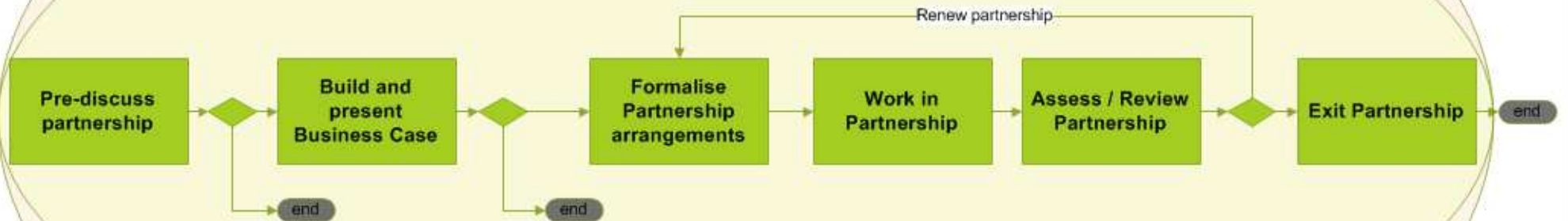
## **PARTNERSHIPS AND COLLABORATIONS LIFE CYCLE**

The following diagram displays the partnership and collaboration life cycle:-



# Partnerships and Collaborations Life-cycle

Monitoring and reporting



Communicating

For detail on the key stages in the partnership and collaboration framework see Appendix 2.

Further help in ensuring effective partnership arrangements are in place is available from:- Internal Audit Services, Performance Management Unit, Corporate Information Governance (on information sharing protocols) and the Policy Unit.

## REFERENCES

1. **Caerphilly County Borough Council Partnerships and Collaborations** (May 2014) Policy Unit
2. Wales Audit Office (2013) **Collaboration Caerphilly County Borough Council**
3. Welsh Local Government Association (2012) **Legal Guidance for Collaboration** Trowers & Hamlins LLP
4. **Commission on Public Service Governance and Delivery** (January 2014) Crown Copyright
5. Welsh Government (2014) **Devolution, Democracy and Delivery Improving public services for people in Wales** Crown Copyright
6. Audit Commission (1998) **A Fruitful Partnership**
7. Commission on Good Governance in Public Services (2004) **The Good Governance Standard for Public Services** Office of Public Management and Chartered Institute of Public Finance and Accountancy
8. Chartered Institute of Public Finance and Accountancy **Partnerships – A Governance Healthcheck**
9. Office of the Deputy Prime Minister (2003) **Assessing Strategic Partnership – The Partnership Assessment Tool**

## APPENDIX 1 - PARTNERSHIP GOVERNANCE CHECK DISCUSSION GUIDE

This proforma provides the key areas that will be reviewed during a partnership governance check assessment with the partnership/collaboration lead officer, although this is not intended to be a definitive list. The lead officer is expected to prepare for the visit in advance, and provide evidence to demonstrate the robustness of governance arrangements. A write up of the assessment will be provided after the visit, with an opportunity for further discussion before a report of the assessment is made to the Council's Audit Committee. The aim of the check is to secure assurance that appropriate governance arrangements are in place, and the partnership is meeting its intended purpose in an effective, timely manner.

- **Clarity of purpose and intended outcomes of partnership working:**
  - links made with local/regional/national priorities
  - statutory partnership, Welsh Government instruction to collaborate?
  - set timescales for delivery
  - exit strategy in place.
  
- **Clear partnership lines of responsibility and accountability:**
  - informed and transparent decision making processes
  - laws and regulations complied with
  - information sharing protocols
  - scrutiny arrangements in place
  - means of communicating partnership work for public accountability
  - a terms of reference in place.
  
- **Financial information and value for money:**
  - Details of full budget available for the partnership work, including staff resources and pooling of budgets from partners
  - Cost benefits analysis of working in partnership including mechanisms for monitoring resources
  - Savings and other benefits from the partnership working
  - Financial, and value for money information informs partnership decisions
  - Taxpayers receive value for money.
  
- **Arrangements for assessing and managing partnership risks:**
  - financial/operational/compliance/risk controls/organisational reputation/conflict resolution
  - risk management system in place.
  
- **Performance management arrangements:**
  - ability to judge quality of performance/monitoring/evaluation
  - commitment of partners
  - evidence of partnership self assessments/annual health checks
  - views of local people in assessing benefits of the partnership working – what the citizen/community wants/needs
  - performance management framework.
  
- **Conclusion:**
  - Is there anything further that the Council can be doing to improve governance arrangements and performance of partnership?

## **APPENDIX 2 - KEY STAGES IN THE PARTNERSHIP AND COLLABORATION FRAMEWORK**

### **Maintaining and Updating Partnerships and Collaborations List**

- Quarterly reviews of list by Head of Service (see Collaboration and Partnership Protocol)
- List published on Intranet
- Defining partnerships and collaborations (see Partnership Governance Toolkit).

### **Forming New Partnerships**

- Business Case submitted to Head of Service with justification for partnership (see Partnership Governance Toolkit)
- On approval of new partnership full details of venture to be built including: governance arrangements, allocation of resources, legal and regulation issues, risk management, information sharing protocols, monitoring and evaluation, timescales and exit strategy (see Partnership Governance Toolkit).

### **Communicating the work of partnerships**

- to key stakeholders and citizens for public accountability
- building in service users assessments into process demonstrating how partnerships are making a difference to local people.

### **Assessment**

- Partnerships required to do annual self assessment *health check* (see Partnership Governance Toolkit)
- The Corporate Governance Review Panel will select partnerships for assessing governance arrangements and effectiveness of partnership working (see Partnership Governance Check Discussion Guide).

### **Exiting Partnerships**

- Exit strategy to be built into all partnership arrangements
- Head of Service to be presented with request to terminate partnership arrangements for approval (see Partnership Governance Toolkit).

### **Reporting**

- Partnerships Governance Check Assessment Reports to Corporate Governance Review Panel, Improving Governance Partnership Board, Corporate Management Team and Audit Committee
- Input to Annual Governance Statement
- To inform annual review of Council's Constitution
- Annual Summary Partnership Report to Audit Committee.



## AUDIT – 10TH DECEMBER 2014

**SUBJECT: ANNUAL GOVERNANCE STATEMENT REVIEW**

**REPORT BY: INTERNAL AUDIT SERVICES MANAGER**

---

### **1. PURPOSE OF REPORT**

- 1.1 To inform members of progress made in dealing with the areas for improvement identified during the 2013/2014 process.

### **2. SUMMARY**

- 2.1 As part of the 2013/14 Annual Governance Statement process three areas were identified as requiring improvement. Subsequently an action plan was compiled to deliver the identified improvements and this report sets out the progress to date.

### **3. THE REPORT**

- 3.1 As part of the 2013/14 Annual Governance Statement process the following three areas were identified as requiring improvement, the Council's business continuity arrangements, the interim management arrangements and the timeliness of responses to Freedom of Information and Environmental Information Regulations requests.
- 3.2 To assist with the improvement process and to allow for the monitoring of progress the Annual Governance Review panel has compiled an action plan. Following updates from the responsible staff at panel meetings the action plan is used to determine progress and to focus on outstanding issues.
- 3.3 The latest updated version of the action plan following the Review Panel meeting in November is attached at Appendix 1

### **4. FINANCIAL IMPLICATIONS**

- 4.1 None.

### **5. PERSONNEL IMPLICATIONS**

- 5.1 None

### **6. RECOMMENDATIONS**

- 6.1 Members are asked to note the use of the action plan and the progress made to date to address the issues previously identified within the 2013/14 Annual Governance Statement.

## **7. REASONS FOR THE RECOMMENDATIONS**

- 7.1 To ensure that members are aware of the progress made in addressing the issues that were highlighted in last year's Annual Governance Statement.

Author: Mr R M Harris, Manager Internal Audit

Consultees: Mr S Harris Acting Head of Corporate Finance

Mrs N Scammell Acting Director of Corporate Services & Section 151 Officer

Appendices:

Appendix 1 Annual Governance Statement – Action Plan

**ANNUAL GOVERNANCE STATEMENT - ACTION PLAN EMINATING FROM THE 2013/2014 REVIEW**

IDENTIFIED AREA IN NEED OF IMPROVING	SPECIFIC RISK INDICATORS	ACTIONS	PROGRESS	NOVEMBER UPDATE
Development of a Business Continuity Plan	<p>Lack of overall strategy</p> <p>Risk for continuity of service provision</p> <p>Unclear / poor decision making</p>	<p>Development of a strategy</p> <p>Implementation of the risk assessments</p> <p>Business continuity plans for corporate critical services</p> <p>Development of departmental plans for lesser risk services</p>	<p>Corporate Business Continuity Policy Statement &amp; Strategy adopted June 2013.</p> <p>Action Plan agreed by Audit Committee March 2014-09-29</p> <p>Update of action plan to Audit Committee September 2014</p> <p>Individual school plans expected to be completed by December 2014</p>	<p>RH &amp; IM attended AGS review panel.</p> <p>Good progress with Business Impact Analysis stage but further work is required to finish. Need input from CMT and further discussion with Property and IT a major players.</p> <p>Agreed next report to March A.C</p>
Improving responsiveness to FOI & EIR requests	<p>Compliance with timescales a problem</p> <p>Increasing volumes of requests</p> <p>Complexity of requests increasing</p> <p>Threat of financial penalties</p>	<p>Explore collection of detailed performance data service level &amp; below</p> <p>Introduction additional interim targets</p> <p>Benchmarking &amp; identification of successful practice within other organisations</p> <p>Training/awareness raising for key staff</p>	<p>Snapshot of requests assessed for Jan-June 2014. Ongoing consultation on additional suggestions to improve.</p> <p>New 5wd target supplements 15wd internal target to confirm a) records held and b) who responsible.</p> <p>Welsh Government and organisations on South Wales Information Forum (SWIF)</p> <p>FOI training relaunched by one year Information Governance Officer post. IG overview sessions delivered to a number of management teams, during which FOI emphasised.</p>	<p>JJ presented briefing papers. Meeting CEO to discuss planned suggestions. Going to mgt. Network and Directorate SMT's to raise awareness/ profile.</p> <p>Some changes to procedures made and monitoring stats showing some progress, visits to other L.A.'s ongoing.</p> <p>LJ to draft business case for CMT to extend GG's post for six months to maintain impetus of improvements.</p>

IDENTIFIED AREA IN NEED OF IMPROVING	SPECIFIC RISK INDICATORS	ACTIONS	PROGRESS	OUTSTANDING
Managing the negative impact of the interim management arrangements	Capacity Uncertainty / confidence Continuity Domino effect	Put temporary arrangements on more permanent footing  Address CEO continuity arrangements  Increase capacity by backfilling  Keep communication with staff relevant and timely	New interim CEO arrangement now in place. Now on a full time basis and new CEO is flexible with need for future contract extension  Senior staff stability has improved  Backfilling arrangements have been completed  Staff briefing arrangements are continuing to keep staff aware of current issues	Update report to November Council meeting. Agreed CEO delegated powers to extend the interim arrangements regarding management structure.  Substantive structure post filled.





## AUDIT – 10TH DECEMBER 2014

**SUBJECT: OFFICERS DECLARATIONS OF GIFTS AND HOSPITALITY**

**REPORT BY: HEAD OF WORKFORCE AND ORGANISATIONAL DEVELOPMENT**

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### **1. PURPOSE OF REPORT**

- 1.1 Quarterly report to advise members of the Audit Committee of the gifts and hospitality declared by officers for the period July to September 2014.

### **2. SUMMARY**

- 2.1 Attached as Appendix A, is a list of Gifts and Hospitality received by officers of the Council for the 3 months 1 July to 30 September 2014.

### **3. LINKS TO STRATEGY**

- 3.1 The Council acting through this Committee has an obligation to maintain high standards, probity and conduct throughout its workforce.

### **4 THE REPORT**

- 4.1 Heads of Service provide data on a monthly basis to the Head of Workforce and Organisational Development for collation and monitoring purposes.
- 4.2 The Head of Workforce and Organisational Development will continue to monitor the returns and work with Heads of Service to improve their understanding and corporate compliance to the policy.

### **5. EQUALITIES IMPLICATIONS**

- 5.1 None.

### **6. FINANCIAL IMPLICATIONS**

- 6.1 None.

### **7. PERSONNEL IMPLICATIONS**

- 7.1 The Head of Workforce and Organisational Development will continue to monitor the declarations to promote best practice and ensure compliance.

## **8. CONSULTATIONS**

- 8.1 The Improving Governance Project Board and Corporate Management team have been consulted on this report.

## **9. RECOMMENDATIONS**

- 9.1 The Members of the Audit Committee are asked to note the information provided in Appendix A.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To ensure the Audit Committee have an oversight of the position in relation to officers Gifts and Hospitality.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 2000.

Author: Gareth Hardacre, Head of Workforce and Organisational Development.  
Consultees: CMT  
Improving Governance Project Board

Appendices:  
Appendix A – Declarations of Gifts and Hospitality

**Appendix A**  
**Declarations of Gifts and Hospitality – 1 June to 30 September 2014**

Directorate	Service Area	Form Number	Type of Declaration	Form Details Of Declaration i.e. name of person, nature of relationship, company, gift, hospitality, etc	Head of Service or Delegated Officer who signed the declaration	Outcome
Corporate Services	Housing	2458	Gift	Mr. Michael Burge (Council tenant) to whom I have assisted with regard to welfare benefit issues. No impact or influence. Bunch of flowers from Mr. Burge by way of a thank you. Estimated value £10-£15. Flowers were accepted.	Shaun Couzens	Accepted in line with Code of Conduct
Corporate Services	Housing	2457	Gift	Box of Thornton's Chocolates by landlords Mr. & Mrs. D. Jones, landlords of 30 Commercial Street, New Tredegar. Offered on 28th July 2014. Premises being inspected and advice given to landlords. Est. Value £10.00	Shaun Couzens	Accepted
Corporate Services	Housing	2456	Gift	£25.00 M&S Gift Voucher. Ms. Patricia Davies, Tenant, 32 Bryn Glas, Bedwas. Complainant regarding neighbour issues. Longstanding matter which has recently necessitated granting of ASBI on neighbour's grandson.	Shaun Couzens	Accepted. Checked with Personnel and advised that the gift could be accepted providing it is disclosed.
Corporate Services	Procurement	1354	Hospitality	WG - Value Wales - shortlisted for an award at CIPS Supply Management Awards in London on 11 September 2014. Invitation received to attend the award as guest of the Home Grown Talent programme in recognition of the line management responsibilities to trainees. (All costs will be covered by WG). No costs to the Authority	Nicole Scammell	Accepted. No costs to the Authority.

Directorate	Service Area	Form Number	Type of Declaration	Form Details Of Declaration i.e. name of person, nature of relationship, company, gift, hospitality, etc	Head of Service or Delegated Officer who signed the declaration	Outcome
Corporate Services	Procurement	1351	Hospitality	Stephen Lavelle from Odeon UCI Cinemas, a Contractor working on construction / project of Bargoed Cinema. Invitation received to attend a Gala Opening in Hereford from Contractor on 29 May 2014.	Nicole Scammell	Declined
Corporate Services	Procurement	1353	Hospitality	WG - Value Wales - shortlisted for an award at CIPS Supply Management Awards in London on 11 September 2014. Invitation received from Sue Moffat to attend the awards as guest of the National Procurement Services. (All costs will be covered by WG). There are no costs to the Authority.	Nicole Scammell	Accepted. No costs to the Authority.
Corporate Services	Property and Planning	1556	Hospitality	Asked by Wales Audit Office (WAO) to make 2 presentations at Good Practice Exchange Seminars. WAO are paying accommodation for the North Wales meeting on 1 May 2014.	Nicole Scammell	Accepted
Environment	Regeneration and Planning	2502	Gift	FAST Project Team at Gilfach Primary School - local parents involved in project and school staff partners - gave 5 bottles of wine approx £4 each and 5 Cadbury chocolates (approx £3 each).	Pauline Elliott	Declined. Suggestion was made that they be donated to a local worthy charity
Corporate Services		2205	Gift	A gift of a small flower arrangement (under £25) from Mr M Glavin Headteacher	Stuart Rosser	Accepted



## AUDIT – 10TH DECEMBER 2014

**SUBJECT: ADOPTION OF REVISED WHISTLE BLOWING POLICY**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER**

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### 1. PURPOSE OF REPORT

- 1.1 To provide an update for members of the Audit Committee on the adoption of a revised Whistle Blowing Policy.

### 2. SUMMARY

- 2.1 The Whistle Blowing Policy is intended to encourage and enable employees to raise concerns with the Council without fear of victimization, subsequent discrimination or embarrassment. This policy supports the Council's anti-fraud and corruption strategy.

### 3. LINKS TO STRATEGY

- 3.1 The Authority through this Committee has an obligation to maintain and monitor the standards of conduct throughout the Council's workforce.

### 4. BACKGROUND

- 4.1 Previous reports to the Audit Committee on the 6<sup>th</sup> of November 2013 and the 11<sup>th</sup> of June 2014 have consulted members on the implementation of a revised Whistleblowing policy for the Authority.
- 4.2 This report provides an update for members, on the adoption of a revised policy.

### 5. THE REPORT

- 5.1 Officers worked with the Charity Public Concern at Work, who were identified as being able to support best practice in this area. Officers have been able to access best practice guidance and support from Public Concern at Work to assist in the development of a new Whistleblowing Policy.
- 5.2 Members may also wish to note that there is an ongoing facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This will enable them to make contact in a confidential manner, should they wish to seek independent advice.
- 5.3 The revised Policy is drafted in plain English, to encourage a wide understanding by employees. This policy has been developed with the support of the Improving Governance Programme Board.

- 5.4 The Policy has now been through the full consultation process which included P& R Scrutiny, Managers, Employees and Trades Unions.
- 5.5 Cabinet at its meeting on the 12<sup>th</sup> of November recommended the adoption of the Policy to full Council, with a minor amendment for clarity. Council formally approved the new Policy at its meeting on the 18<sup>th</sup> of November (please see appendix 1 for the full report), and granted permission for the Monitoring Officer to make the necessary amendments to the Council's Constitution.
- 5.6 The policy has now been placed on the HR Portal for employees to be able to access. A Communication and Awareness Training plan will now be developed to ensure that the new arrangements are widely communicated and understood by employees.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 None directly arising from this Information Report, however the views of the Council's Equalities Officer have been considered as part of the adoption of a new Policy.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There is a small membership cost (£1600 & Vat) for joining Public Concern at Work, which has been met from existing budgets. As arrangements for communicating the policy and training of key employees are developed there will be some small costs. Again these will be met from existing budgets.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications of introducing the Policy.

## **9. CONSULTATIONS**

- 9.1 The Improving Governance Project Board has been involved in the decision to partner with Public Concern at Work. Full consultation has been undertaken as outlined in Paragraph 5.4 and 5.5 above.

## **10. RECOMMENDATIONS**

- 10.1 Members of the Audit Committee are asked note the adoption of the revised policy.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To update members on the adoption of a new Policy.

## **12. STATUTORY POWER**

- 12.1 Local Government Act 2000, Public Disclosure Act 1998.

Author: Gareth Hardacre, Head of Workforce & OD  
Consultees: Gail Williams, Interim Head of Legal Services/Monitoring Officer  
Nicole Scammell, Acting Director of Corporate Services & Section 151 Officer  
Cllr Christine Forehead, Cabinet Member for HR & Governance

Appendices:  
Appendix 1 Council Report – 18<sup>th</sup> November 2014



## COUNCIL - 18TH NOVEMBER 2014

**SUBJECT: DRAFT WHISTLEBLOWING POLICY**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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1.1 The report, which seeks approval of a revised Whistleblowing Policy was considered by the Policy and Resources Scrutiny Committee on 11th November 2014 and by Cabinet on 12th November 2014. The Whistleblowing policy is intended to encourage and enable employees to raise concerns with the Council without fear of victimisation, subsequent discrimination or embarrassment. The report also informs Members of a proposed change to the administration form used to record declarations of interests made by employees.

1.2 During discussion at the Cabinet meeting, Members requested that the Policy be amended where appropriate to ensure it is clear who is covered by the Policy. An amendment will be made prior to publication of this draft Policy to page 1, paragraph 3 that will replace this current paragraph with the following:

This policy only applies to Council employees. If you are a volunteer or contractor working on Council premises, including Builders, Drivers, and Suppliers, you should raise your concerns under the Corporate Complaints Policy, which is available on the Authority's Website.

1.3 Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved subject to the Head of Workforce and Organisational Development making minor changes to ensure it is clear who is covered by the policy. By a show of hands this was unanimously agreed.

RECOMMENDED that for the reasons contained in the officer's report:-

1. Members noted the contents of the report and the draft Whistleblowing Policy and recommend it to Council for adoption subject to the Head of Workforce and Organisational Development making minor changes to ensure it is clear who is covered by the Policy. The Council's Monitoring Officer make the necessary amendments to the Council's Constitution.
2. Members noted the changes to the administrative form for the declaration of interests recorded by employees and recommended to Council the adoption of the declaration form. The Council's Monitoring Officer be authorised to make the necessary changes to the Council's Constitution.

1.4 Members are asked to consider these recommendations.

Author: S.M. Kauczok, Committee Services Officer - Ext. 4243

Background Papers:  
Report to Policy and Resources Scrutiny Committee dated 11th November 2014.

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## **POLICY AND RESOURCES SCRUTINY COMMITTEE - 11TH NOVEMBER 2014**

**SUBJECT: DRAFT WHISTLEBLOWING POLICY**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151  
OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To seek approval of a revised Whistleblowing Policy. To inform the Members of Scrutiny on the proposed revision of the Council's Whistle Blowing Policy (attached in Appendix 1), and seek their comments, prior to presenting the Policy to Cabinet and Council for approval.
- 1.2 To inform members of a proposed change to the administrative form (Appendix 4) used to record declarations of interests made by employees. As this form is an appendix to the Code of Conduct which is contained within the Constitution, it will require approval from Council.

### **2. SUMMARY**

- 2.1 The Whistle Blowing Policy is intended to encourage and enable employees to raise concerns with the Council without fear of victimization, subsequent discrimination or embarrassment.

### **3. LINKS TO STRATEGY**

- 3.1 The Authority has an obligation to maintain and monitor the standards of conduct throughout the Council's workforce, and to maintain appropriate arrangements for good governance. This policy is contained within the Council's Constitution as part of the Employee Code of Conduct. In addition this policy supports the Council's anti-fraud and corruption strategy.

### **4. THE REPORT**

- 4.1 Members will be aware that Council agreed at its meeting in June 2013 to undertake a full review of the Council's Constitution. The review was to be based on the new All Wales Framework document that has been produced by external lawyers with the support of the Welsh Local Government Association. It was originally envisaged that this would also include a draft whistleblowing policy that we would subsequently seek to adopt. For various reasons previously reported to members it has not been possible to adopt the All Wales framework Constitution, consequently the existing version of the Constitution has been thoroughly reviewed and updated. In order to strengthen our governance arrangements in line with our response to the Wales Audit Office Corporate Governance Inspection the Improving Governance Programme Board agreed that the revision and updating of the Whistleblowing Policy should be taken forward as a stand-alone issue

- 4.2 The current version of the Council's Whistle Blowing Policy will be found within the Council's Constitution (attached as appendix 3). The Policy was introduced in 2001 and other than a minor review to reflect changes to job titles there has been no significant changes made since that date, other than a minor review.
- 4.3 Members may be aware that a Whistleblowing Commission was set up in February 2013 by the leading Whistleblowing Charity – Public Concern at Work (PCaW). Their remit was to review the effectiveness of whistleblowing in UK workplaces, and to make recommendations for change. The Commission was an independent body made up of industry and academic experts and chaired by the Right Honorable Sir Anthony Hooper (former appeal court judge).
- 4.4 In late November 2013 it published its findings, with the Primary recommendation being for the Secretary of State to adopt a Code of Practice that could be taken into account in whistleblowing cases before courts and tribunals. The Commission has published a draft Code which sets out clear standards for organisations across all sectors to enable them to have clear whistleblowing arrangements. The Code of Practice is designed to help regulators assess and inspect whistleblowing arrangements. The Code of Practice was designed to be adopted by organizations that are looking to achieve the highest standards in ensuring that workers are encouraged to speak up and when they do, that they are listened to. (The draft code is provided as Appendix 2).
- 4.5 Officers have worked with the Charity Public Concern at Work, who were identified as being able to support best practice in this area. As a consequence we have been able to access guidance, resources and support from Public Concern at Work to develop a new Whistleblowing Policy reflective of current guidance and regulations.
- 4.6 Members may also wish to note that there is an ongoing facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This will enable them to make contact in a confidential manner, should they wish to seek independent advice.
- 4.7 In line with the findings of the Commission, the attached draft policy has been written in plain English, to encourage a wide understanding by employees. This draft policy was heavily based around the model policy provided by Public Concern at Work. This draft policy has been developed with the support of the Improving Governance Programme Board.
- 4.8 The new Policy if approved will be publicised on the HR Support Portal and Wellbeing@Work intranet pages. A training programme for managers will be developed to support the introduction of the new policy, and a communication plan devised to increase awareness of the policy across the wider organisation.
- 4.9 The revised form at appendix 4 is an administrative form for recording the declaration of interests made under the Code of Conduct for Officers. This has not been amended since it was introduced with the Officer Code of Conduct in February 2006. This revision is made to ensure improved transparency and accuracy in the recording of declarations.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 The policy supports the Council in achieving its statutory duties under Equalities legislation in that it clearly notes discrimination as a specific category of wrongdoing about which concerns can be raised by staff. The ability for employees to raise any concerns confidentially (which could include equalities issues) also provides additional safeguards for the individual and the authority.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There is a small annual membership cost (£1600 & Vat) for joining Public Concern at Work, which has been met from existing budgets. There are no direct financial implications of introducing the Policy.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications of introducing the Policy.

## **8. CONSULTATIONS**

- 8.1 The report reflects the views of the Consultees listed at the end of the report. The Improving Governance Programme Board, and the HR Strategy Group have been active participants in this process. The Councils Trades Unions have been consulted and are supportive of this approach. There are no other views other than those reflected in the report.

## **9. RECOMMENDATIONS**

- 9.1 That Scrutiny members consider the contents of the report and the draft Whistleblowing Policy, and make a recommendation to Cabinet and Council for adoption of the Policy, and to authorise the Council's Monitoring Officer to make the necessary amendments to the Council's Constitution along with any observations they may wish to provide.
- 9.2 That Scrutiny members note the changes to the administrative form for the declaration of interests recorded by employees, and make a recommendation to Cabinet and Council for adoption of the declaration form, and to authorise the Council's Monitoring Officer to make the necessary amendments to the Council's Constitution.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To facilitate the implementation of a new Policy.
- 10.2 To improve administration of the declaration of interests recorded by employees.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 2000, Public Interest Disclosure Act 1998, Employment Act 2008

Author: Gareth Hardacre, Head of Workforce & OD  
Consultees: Nicole Scammell, Acting Director of Corporate Services & Section 151 Officer  
Gail Williams, Monitoring Officer  
Colin Jones, Head Of Property & Performance Management  
Cllr Christine Forehead, Cabinet Member for HR & Governance  
Alessandra Veronese, Project Manager IGPB  
Dave Thomas, Senior Policy Officer (Equalities)  
Councils Recognised Trades Unions

Appendices:  
Appendix 1 Draft Whistleblowing Policy  
Appendix 2 Whistleblowing Commission Code of Practice  
Appendix 3 Existing Whistleblowing Policy  
Appendix 4 Declaration of Interests Form

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# WHISTLEBLOWING POLICY

Version:	Version 2 Draft 5
Policy Ratified by:	Human Resources
Date:	October 2014
Area Applicable:	All Caerphilly Employees
Review Year	

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## **INTRODUCTION**

1. Caerphilly County Borough Council is fully committed to running the organisation in the best possible way and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way.
2. All of us, at one time or another, have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

## **SCOPE OF THE SCHEME**

3. This policy applies to all Council employees. If you are an agency worker, volunteer or contractor working on Council premises, including builders, drivers, and suppliers you should raise your concern with your Line Manager in the normal way.
4. The effective date of the policy is XXXX and this policy must be read in conjunction with all relevant Council policies and procedures, in particular the Council's Code of Conduct.

## **GUIDING PRINCIPLES**

5. This policy aims to reassure you that it is safe and acceptable to speak up and to enable you to raise serious concerns you have about malpractice at an early stage and in the right way.
6. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of detrimental treatment as a result.
7. The policy is specifically intended for raising concerns about malpractice. If, however, you wish to make a complaint about your employment or how you have been treated, please use the grievance procedure – copies can be obtained from your Manager or the HR Support Portal.
8. The policy provides you with an avenue to raise your concerns and to receive feedback on any action taken. Any feedback will be provided within the confines of the Data Protection Act 1998.

## **CATEGORIES OF WRONGDOING**

9. You are protected under this policy to raise any concerns you may have about the following categories of wrongdoing:-
  - Criminal offences, including conduct which is an offence or a breach of law or sexual or physical abuse of clients;
  - Failure to comply with legal obligations including the unauthorised use of public funds, possible fraud and corruption;
  - Discrimination against the public or colleagues (e.g. racism, homophobia, etc)
  - Miscarriages of justice;
  - Dangers to health or safety including risks to the public as well as other employees;
  - Danger or damage to the environment or
  - Deliberate concealment of any of the above categories.
10. The policy may also be used to report something that:-
  - Makes you feel uncomfortable in terms of the standards you believe the Council subscribes to;
  - Is against the Council's Constitution and policies;
  - Falls below established standards of practice or
  - Amounts to improper conduct.

## **OUR ASSURANCE TO YOU**

11. Caerphilly County Borough Council is committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of detrimental treatment as a result. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.
12. With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset.
13. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

## **ANONYMOUS ALLEGATIONS**

14. The policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we could provide the assurances we offer in the same way if you report a concern anonymously.
15. If you are unsure about raising a concern you can get independent advice from Public Concern at Work (contact details can be found under Independent Advice).

## **UNTRUE ALLEGATIONS**

16. If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.
17. If you make an allegation maliciously or for personal gain, disciplinary action may be taken against you.

## **RAISING A CONCERN**

18. You do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.
19. If you have a concern about malpractice the first step is to raise it with your manager or team leader. This may be done verbally or in writing. We understand that the ability to raise concerns in this way will depend on the nature of the concern and the individuals involved.
20. If you feel unable to raise the matter with your Manager, for whatever reason, please raise the matter with:-  
  
Head of Workforce & Organisational Development
21. If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made. A discussion will be held with you to discuss what is the most appropriate way to deal with the matter.



- 22 If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Head of Legal and Monitoring Officer

Or

Section 151 Officer

### **HOW WE WILL HANDLE THE MATTER**

- 23 The Council will acknowledge receipt of your concern within **10 working days**. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you, how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.
- 24 When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we ask you to tell us at the outset.
- 25 If we think your concern falls more properly within one of our other policies (i.e. grievance) we will let you know.
- 26 If you are invited to a meeting to discuss your concerns, you can be accompanied by a trade union representative or work colleague not involved in the matter.
- 27 Whenever possible we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. Any feedback will be provided within the confines of the Data Protection Act 1998.
- 28 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

### **INDEPENDENT ADVICE**

- 29 If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on 020 7404 6609 or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk). Their lawyers can talk you through your options and help raise a concern about malpractice at work.
- 30 If you are a member of a trade union you can also contact your union for advice.

### **EXTERNAL CONTACTS**

31. While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator than not at all. Public Concern at Work (or your union) will be able to advise you on such an option if you wish. Details of External Regulators under the Public Interest Disclosure (Prescribed Persons) Order 2014 can be found under Appendix 1. If this Schedule is amended by future legislation then the revised list will apply.
32. If you do take the matter outside the Council, you should ensure that you do not disclose personal or confidential information.

## **INTERPRETATION OF THE POLICY**

33. In the event of a dispute relating to the interpretation of the Policy, the Head of Workforce and Organisational Development or the Head of Legal and Monitoring Officer will make the final decision on interpretation.

## **REVIEW OF THE POLICY**

34. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the procedure will be amended and reissued.

OCTOBER 2014

## APPENDIX 1

### PRESCRIBED PERSONS UNDER THE PUBLIC INTEREST DISCLOSURE ACT

Persons and descriptions of people	Matters Relating To
Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government bodies.	Proper conduct of public business, value for money, fraud and corruption in local government bodies.
The Audit Commission for Local Authorities and the National Health Service in England.	Proper conduct of public business, value for money, fraud and corruption in public bodies.
Audit Scotland.	Proper conduct of public business, value for money, fraud and corruption in public bodies.
Auditor General for Wales.	Proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Auditor General for Scotland and persons appointed by or on his behalf under the Public Finance and Accountability (Scotland) Act 2000 <sup>[4]</sup> to act as auditors or examiners for the purposes of sections 21 to 24 of that Act.	Proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Auditors appointed by the Audit Commission for Local Authorities and the National Health Service in England to audit the accounts of (a) local government bodies as defined by section 53 of that Act (including police and crime commissioners, the Mayor's Office for Policing and Crime and the Common Council of the City of London, and the Chief Constables for Policy Forces maintained under Section 2 of the Police Act 1996, the Commissioner of Police of the Metropolis and the Commissioner of Police for the City of London Police) (b) health service bodies as defined by section 53 of that Act or (c) any other body whose accounts are subject to audit in accordance with the Audit Commission Act 1997	Proper conduct of public business, value for money, fraud and corruption in public bodies.
Auditors appointed by NHS Foundation trusts to audit the accounts of those trusts.	Proper conduct of public business, value for money, fraud and corruption in public bodies.
The Bank Of England	(a) The functioning of clearing houses (including central – counterparties); inter-bank payment systems and securities settlement systems. (b) The treatment, holding and issuing of banknotes by the authorised banks (and their agents) under Part 6 of the Banking Act 2009.
Care Council for Wales.	The registration of social care workers under the Care Standards Act 2000.
Care Inspectorate	The provision of care services, as defined in the Public Services Reform (Scotland) Act 2010.

<b>Persons and descriptions of people</b>	<b>Matters Relating To</b>
Care Quality Commission	(a) The registration and provision of a regulated activity as defined in section 8 of the Health and Social Care Act 2008 and the carrying out of any reviews and investigations under Part 1 of that Act or (b) any activities not covered by (a) in relation to which the Care Quality Commission exercises its functions.
Certification Officer.	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Charity Commission for England and Wales.	Proper administration of charities and of funds given or held for charitable purposes.
Chief Executive of the Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Chief Executive of the Scottish Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Children's Commissioner	The rights, welfare and interests of children.
Children's Commissioner for Wales.	Matters relating to the rights, welfare and interests of children.
Commissioner for Children and Young People in Scotland	Promoting and safeguarding the rights of children and young people.
Commissioners of HM Revenue and Customs	The functions of the Commissioners for Revenue and Customs as set out in the Commissioners for Revenue and Customs Act 2005, including:- (a) the administration of the UK's taxes, including income tax, inheritance tax, corporation tax, capital gains tax, VAT and the excise duties. (b) the administration of the national insurance and tax credits systems (c) customs and border-related functions and (d) criminal investigations
Competition and Markets Authority	(a) The sale of goods or the supply of services, which adversely affect the interests of consumers. (b) Competition affecting markets in the UK.
Comptroller and Auditor General	Proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Director of the Serious Fraud Office.	(a) serious or complex fraud within the meaning of section 1 (3) of the Criminal Justice Act 1987 or (b) civil recovery of the proceeds of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations as set out in Part 5 or 8 or the Proceeds of Crime Act 2002.
Elected local policing bodies	Any report made in accordance with section 114 of the Local Government Finance Act 1988 in relation to:- (a) the Chief Constable for the elected local policing body's area or (b) the Commissioner of Police of the Metropolis, where the elected local policing body is the Mayor's Office for Policing and Crime.
Environment Agency	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.

Persons and descriptions of people	Matters Relating To
Financial Conduct Authority	<ul style="list-style-type: none"> <li>(a) the carrying on of investment business or of insurance business or of any business related to or constituting a regulated activity as defined in section 22 of the Financial Services and Markets Act 2000 and wholesale money market regimes</li> <li>(b) the conduct of persons authorised for the purposes of section 31 of the Financial Services and Markets Act 2000 including banks, building societies established under the Building Societies Act 1986, consumer credit firms and credit unions within the meaning of the Credit Unions Act 1979 or registered under the Credit Unions (Northern Ireland) Order 1985 or the Industrial and Provident Societies Act (Northern Ireland) 1969, friendly societies within the meaning of the Friendly Societies Act 1974 and the Friendly Societies Act 1992, insurers, the Society of Lloyd's managing agents</li> <li>(c) the conduct of persons who are subject to Part 18 of the Financial Services and Markets Act 2000</li> <li>(d) the conduct of persons who are electronic money issuers for the purposes of electronic money regulations 2011</li> <li>(e) the conduct of persons who are payment service providers for the purposes of the payment services regulations 2009</li> <li>(f) the operation of small UK Alternative Investment Fund Managers registered under regulation 10 of the Alternative Investment Fund Managers Regulations 2013</li> <li>(g) the operation of societies registered under the Friendly Societies Act 1974 and the Friendly Societies Act 1992, including friendly societies, benevolent societies, working men's clubs, specially authorised societies</li> <li>(h) the operation of 'registered societies' within the meaning of the Co-operative and Community Benefit Societies Act 2014</li> <li>(i) the conduct of persons subject to rules made under Part 6 of the Financial Services and Markets Act 2000</li> <li>(j) competition in relation to the provision of financial services and the financial services markets (k) the functioning of financial markets and</li> <li>(l) money laundering, financial crime and other serious financial misconduct, in connection with activities regulated by the Financial Conduct Authority.</li> </ul>

Persons and descriptions of people	Matters Relating To
The Financial Reporting Council Limited and its conduct committee	<ul style="list-style-type: none"> <li>(a) the independent oversight of the regulation of the accountancy, auditing and actuarial professions</li> <li>(b) the independent supervision of Auditors General (as defined in section 1226 of the Companies Act 2006)</li> <li>(c) the monitoring of statutory audit functions in respect of major audits (as defined by paragraph 13 (10) of Schedule 10 to that Act), of third country audit functions (as defined in that paragraph), and of major local audits (as defined in that paragraph as applied by paragraph 28 of Schedule 5 to the Local Audit and Accountability Act 2014)</li> <li>(d) the registration and monitoring of third country auditors (as defined in section 1261 of the Companies Act 2006)</li> <li>(e) compliance with the requirements of legislation relating to accounting and reporting and</li> <li>(f) the investigation of the conduct of auditors, accountants and actuaries and the holding of disciplinary hearings in public interest cases (as defined in paragraph 24 of Schedule 10 to that Act and by that paragraph as applied by paragraph 28 of Schedule 5 to the Local Audit and Accountability Act 2014).</li> </ul>
Food Standards Agency.	The health of any member of the public in relation to the consumption of food and other matters which concern the protection of the interests of consumers in relation to food.
Gas and Electricity Markets Authority	<ul style="list-style-type: none"> <li>(a) the generation, transmission, distribution and supply of electricity, participation in the operation of an electricity interconnector (as defined in section 4(3E) of the Electricity Act 1989)</li> <li>(b) providing a smart meter communication service (as defined in section 4 (3G) of that Act) and activities ancillary to these matters</li> <li>(c) the transportation, shipping and supply of gas through pipes, participation in the operation of a gas interconnector (as defined in section 5(8) of the Gas Act 1986.</li> <li>(d) providing a smart meter communication service (as defined in section 5 (11) of that Act) and activities ancillary to these matters and</li> <li>(e) the renewable generation of heat (as defined in section 100(3) of the Energy Act 2008) and activities ancillary to that matter.</li> </ul>
General Chiropractic Council	<ul style="list-style-type: none"> <li>(a) the registration and fitness to practise of a member of a profession regulated by the Council and</li> <li>(b) any activities not covered by (a) in relation to which the Council has functions.</li> </ul>
General Dental Council	<ul style="list-style-type: none"> <li>(a) the registration and fitness to practise of a member of a profession regulated by the Council and</li> <li>(b) any activities not covered by (a) in relation to which the Council has functions.</li> </ul>
General Medical Council	<ul style="list-style-type: none"> <li>(a) the registration and fitness to practise of a member of a profession regulated by the Council and</li> <li>(b) any activities not covered by (a) in relation to which the Council has functions.</li> </ul>

<b>Persons and descriptions of people</b>	<b>Matters Relating To</b>
General Optical Council	(a) the registration and fitness to practise of a member of a profession regulated by the Council and (b) any activities not covered by (a) in relation to which the Council has functions.
General Osteopathic Council	(a) the registration and fitness to practise of a member of a profession regulated by the Council and (b) any activities not covered by (a) in relation to which the Council has functions.
General Pharmaceutical Council	(a) the registration and fitness to practise of a member of a profession regulated by the Council and (b) any activities not covered by (a) in relation to which the Council has functions.
Health and Care Professions Council	(a) the registration and fitness to practise of a member of a profession regulated by the Council and (b) any activities not covered by (a) in relation to which the Council has functions.
Health and Safety Executive.	The health or safety of any individual at work other than individuals at work wholly or mainly on premises which are, or are on (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013) (b) an authorised defence site (within the meaning given in regulation 2 (1) of the Health and Safety (Enforcing Authority) Regulations 1998) or (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations)
Healthcare Improvement Scotland	(a) furthering the improvement in the quality of health care (within the meaning of section 10A of the National Health Service (Scotland) Act 1978) and (b) any activities not covered by (a) in relation to which Healthcare Improvement Scotland has functions.
Her Majesty's Chief Inspector of Education, Children's Services and Skills (the Chief Inspector)	(a) the regulation and inspection of establishments and agencies under Part 2 of the Care Standards Act 2000 (b) the inspection of the functions of local authorities in England referred to in section 135 (c) to (e) of the Education and Inspections Act 2006 (c) the inspection of Children's Services under section 20 of the Children's Act 2004 (d) the review of Local Safeguarding Children Boards under section 15A of the Children Act 2004 (e) the inspection, under section 87 of the Children Act 1989, of the welfare of children provided with accommodation by boarding schools and further education colleges (f) the inspection of the Children and Family Court Advisory and Support Service under section 143 of the Education and Inspections Act 2006 and any other functions which may be assigned to the Chief Inspector under section 118 (4) of that Act but only in so far as they relate to one of the functions set out in (a) to (f) above.
Homes and Communities Agency	The regulation of registered providers of social housing, in accordance with Part 2 of the Housing and Regeneration Act 2008 (as amended by the Localism Act 2011), delivered through the Regulation Committee of the Homes and Communities Agency.

<b>Persons and descriptions of people</b>	<b>Matters Relating To</b>
Independent Police Complaints Commission	The conduct of a person serving with the police (as defined in section 12 (7) of the Police Reform Act 2002) or any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions in or under any legislation.
Information Commissioner.	Compliance with the requirements of legislation relating to data protection and to freedom of information.
Local authorities which are responsible for the enforcement of food standards in accordance with sections 5 and 6 of the Food Safety Act 1990.	Compliance with the requirements of food safety legislation.
Local authorities which are responsible for the enforcement of health and safety legislation.	Health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Local weights and measures authorities as defined by section 69 of the Weights and Measures Act 1985 which are responsible for the enforcement of consumer protection legislation.	Compliance with the requirements of consumer protection legislation.
Lord Advocate, Scotland.	Serious or complex fraud within the meaning of section 27 of the Criminal Law (Consolidation) (Scotland) Act 1995..
A member of the House of Commons	Any matter specified in this column.
Monitor	(a) the regulation and performance of NHS foundation trusts and (b) any activities not covered by (a) in relation to which Monitor exercises its functions.
National Crime Agency	Corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others.
National Health Service Trust Development Authority	The performance of English NHS Trusts, including clinical quality, governance and management of risk.
The National Society for the Prevention of Cruelty to Children (NSPCC) and any of its Officers	Child welfare and protection.
Nursing and Midwifery Council	(a) the registration and fitness to practise of a member of a profession regulated by the Council and (b) any activities not covered by (a) in relation to which the Council has functions.
Officer for Nuclear Regulation	The health and safety of any individual at work wholly or mainly on premises which are, or are on (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013) (b) an authorised defence site (within the meaning given in regulation 2 (1) of the Health and Safety (Enforcing Authority) Regulations 1998 or (c) a new nuclear build site (within the meaning given in regulation 2A of those regulations)
Office of Communications	(a) the provision of electronic communications networks and services and the use of the electro-magnetic spectrum (b) broadcasting and the provision of television and radio services (c) media ownership and control and (d) competition in communications markets.



<b>Persons and descriptions of people</b>	<b>Matters Relating To</b>
Office of Qualifications and Examinations Regulation	Issues relating to the Office of Qualifications and Examinations Regulation exercises functions under the Apprenticeships, Skills, Children and Learning Act 2009.
Office of Rail Regulation	(a) the provision and supply of railway services and (b) any activities not covered by (a) in relation to which the Office of Rail Regulation has functions.
Office of the Scottish Charity Regulator	The proper administration of charities and of funds given or held for charitable purposes.
Payment Systems Regulator	Payment systems (within the meaning given by section 41 of the Financial Services (Banking Reform) Act 2013) and the services provided by them.
Pensions Regulator	Occupational pension schemes and other private pension arrangements including matters relating to the Pensions Regulator's objective of maximising compliance with the duties under Chapter 1 of Part 1 (and the safeguards in sections 50 and 54) of the Pensions Act 2008.
Police and Crime Panels	(a) any complaint about the conduct of a relevant office holder, within the meaning of section 31 of the Police Reform and Social Responsibility Act 2011 and (b) any report made in accordance with section 114 of the Local Government Finance Act 1988 or section 4 or 5 of the Local Government and Housing Act 1989 in relation to the elected local policing body for the Police and Crime Panel's area.
Prudential Regulation Authority	(a) the carrying on of deposit taking business or insurance business or investment business or any business related to or constituting a regulated activity as designated pursuant to section 22A of the Financial Services and Markets Act 2000 (b) the safety and soundness of persons authorised for the purposes of section 31 of the Financial Services and Markets Act 2000, including banks, insurers, the Society of Lloyd's incorporated by the Lloyd's Act 1871, Lloyds managing agents, building societies established under the Building Societies Act 1986, designated investment firms, societies registered under the Friendly Societies Act 1974 and the Friendly Societies Act 1992, including friendly societies, benevolent societies, working men's clubs and specially authorised societies, and credit unions within the meaning of the Credit Unions Act 1979 or registered under the Credit Unions (Northern Ireland) Order 1985 or under the Industrial and Provident Societies Act (Northern Ireland) 1969, in connection with matters regulated by the Prudential Regulation Authority.
Public Services Ombudsman for Wales	Breaches by a member or co-opted member of a relevant authority (as defined in section 49 (6) of the Local Government Act 2000) of that authority's code of conduct.
Scottish Environment Protection Agency	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to flood warning systems and pollution.

<b>Persons and descriptions of people</b>	<b>Matters Relating To</b>
Scottish Housing Regulator	Social Landlords' performance of housing activities The registration of Registered Social Landlords in accordance with Part 2 of the Housing (Scotland) Act 2010 and The financial wellbeing and standards of governance of Registered Social Landlords.
Scottish Information Commissioner	Compliance with the requirements of legislation relating to the freedom of information.
Scottish Social Services Council.	Registration of the social services workforce by the Scottish Social Services Council under the Regulation of Care (Scotland) Act 2001..
Secretary of State for Business, Innovation and Skills.	(a) Fraud, and other misconduct, in relation to companies, (b) Consumer safety.
Secretary of State for Transport.	Compliance with the requirements of merchant shipping law, including maritime safety.
Standards Commission for Scotland and the Chief Investigating Officer.	Breaches by a councillor or a member of a devolved public body (as defined in section 28 of the Ethical Standards in Public Life etc. (Scotland) Act 2000[9]) of the code of conduct applicable to that councillor or member under that Act.
Water Services Regulation Authority	The supply of water and the provisions of the sewerage services.
Water Industry Commissioner for Scotland.	The supply of water and the provision of sewerage services.
Welsh Ministers	The provision of Part II services as defined in section 8 of the Care Standards Act 2000 and the Children Act 1989. The inspection and performance assessment of Welsh local authority social services as defined in section 148 of the Health and Social Care (Community Health and Standards Act 2003 The review of, and investigation into, the provision of health care by and for Welsh

arrangements, including:

- a) the number and types of concerns raised;
- b) any relevant litigation; and
- c) staff awareness, trust and confidence in the arrangements.

should also sanction those who subject an individual to detriment. Subjecting a worker to a detriment means subjecting the worker to “any disadvantage” because they blew the whistle. This could include (but is not limited to) any of the following:

- a) failure to promote;
- b) denial of training;
- c) closer monitoring;
- d) ostracism;
- e) blocking access to resources;
- f) unrequested re-assignment or re-location;
- g) demotion;
- h) suspension;
- i) disciplinary sanction;
- j) bullying or harassment;
- k) victimisation;
- l) dismissal;
- m) failure to provide an appropriate reference; or
- n) failing to investigate a subsequent concern.

#### **Part IV of the Employment Rights Act 1996 – The Public Interest Disclosure Act**

12. PIDA sets out a framework for a worker to make disclosures about the following categories of wrongdoing, provided that they reasonably believe it to be in the public interest to do so:

- a) criminal offences,
- b) failure to comply with legal obligations,
- c) miscarriages of justice,
- d) dangers to health or safety,
- e) dangers to the environment,
- f) deliberate concealment of any of the above categories.

13. This disclosure will be protected if the workers discloses:

- a) in course of obtaining legal advice;
- b) to the employer;
- c) in certain circumstances, to a Minister of the Crown;
- d) to a ‘prescribed person’, reasonably believing that the information and any allegation contained within it are substantially true. The Secretary of State (in practice the Secretary of State for Business, Innovation and Skills) prescribes by list both the identity of the prescribed person (usually regulatory body) and its remit;
- e) to any person or body

provided that a number of detailed conditions are satisfied. Those conditions include a requirement that the worker does not make the disclosure for purposes of personal gain and a requirement that it is reasonable to make the disclosure in the circumstances. A further section makes provision for a disclosure of an exceptionally serious failure to any person or body.

14. The Act makes it unlawful for an employer to dismiss or subject a worker to a detriment for having made a ‘protected disclosure’ of information. The protection provided by the Act is not subject to any qualifying period of employment and so is referred to as a ‘day one’ right in employment law. By contrast under ordinary unfair dismissal, there is a two year qualifying period.

#### **Settlement agreements**

15. In the light of section 43J ERA 1996 (anti-gagging provisions in PIDA) employers drafting settlement agreements should not include a clause which precludes a worker from making a protected disclosure.

#### **Further information**

If you want to learn more about the Code of Practice and how Public Concern at Work can help you please contact [services@pcaw.org.uk](mailto:services@pcaw.org.uk) or **020 3117 2520**.

The report of the Whistleblowing Commission can be found here: [www.pcaw.org.uk/whistleblowing-commission](http://www.pcaw.org.uk/whistleblowing-commission).

# The Whistleblowing Commission

APPENDIX 2

## Code of Practice

### **Anonymity and confidentiality**

9. The best way to raise a concern is to do so openly. Openness makes it easier for the employer to assess the issue, work out how to investigate the matter and obtain more information. A worker raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without his or her consent. It is important that there is a clear option for anyone to use when raising a concern.

10. A worker raises a concern anonymously if he or she does not give his or her name at all. If this happens, it is best for the organisation to assess the anonymous information as best it can to establish whether there is substance to the concern and whether it can be addressed. Clearly if no-one knows who provided the information it is not possible to reassure or protect them.

### **Examples of Detriment**

11. The code at paragraph 5(c) requires an assurance that a worker will not suffer a detriment for having raised a concern. Paragraph 6 of the code states that an employer

The Whistleblowing Commission, established in 2013 by whistleblowing charity

Public Concern at Work, developed a Code of Practice for effective whistleblowing arrangements. The Commission recommended that this is rooted in statute, can be taken into account in court cases and by regulators.

To find out more about the code, contact

Public Concern at Work on 020 3117 2520.

## The Code of Practice

Every employer faces the risk that something will go badly wrong in their organisation and ought to welcome the opportunity to address it as early as possible.

Whenever such a situation arises the first people to know of such a risk will usually be “workers”<sup>[1]</sup> yet while these are the people best placed to speak up before damage is done, they often fear they have the most to lose if they do (otherwise known as “whistleblowing”).

This Code of Practice provides practical guidance to employers, workers and their representatives and sets out recommendations for raising, handling, training and reviewing whistleblowing in the workplace.

[1] Worker is defined in section 230 of the Employment Relations Act 1996

1. This Code sets out standards for effective whistleblowing arrangements. It is designed to help employers, workers and their representatives deal with whistleblowing.
2. Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others.
3. When developing whistleblowing arrangements employers should consult staff and their representatives.

### Written Procedures

4. As part of the whistleblowing arrangements, there should be written procedures covering the raising and handling of concerns. These procedures should be clear, readily available, well-publicised and easily understandable.
5. The written procedures for raising and handling concerns:
  - a) should identify the types of concerns to which the procedure relates, giving examples relevant to the employer;
  - b) should include a list of the persons and bodies with whom workers can raise concerns, this list should be sufficiently broad to permit the worker, according to the

circumstances<sup>[2]</sup> to raise concerns with:

- i. the worker's line manager;
  - ii. more senior managers;
  - iii. an identified senior executive and/or board member; and
  - v. relevant external organisations (such as regulators);
- c) should require an assurance to be given to the worker that he/she will not suffer detriment for having raised a concern, unless it is later proved that the information provided by the worker was false to his or her knowledge;
- d) should require an assurance to be given to the worker that his or her identity will be kept confidential if the worker so requests unless disclosure is required by law;
- e) should require that a worker raising a concern:

- i. be told how and by whom the concern will be handled;
- ii. be given an estimate of how long the investigation will take;
- iii. be told, where appropriate, the outcome of the investigation<sup>[3]</sup>

[2] By “according to the circumstances” we mean workers should be able bypass their manager, where they fear that they will suffer a detriment or that their concern will not be listened to.

[3] The Data Protection Act, on-going investigations, or the rights of third parties may impact the ability to provide feedback.

- iv. be told that if the worker believes that he/she is suffering a detriment for having raised a concern, he/she should report this; and
- v. be told that he/she is entitled to independent advice.

6. The employer should not only comply with these procedures but should also sanction those who subject an individual to detriment because he/she has raised a concern and should inform all workers accordingly.

### Training, Review and Oversight

7. In addition to the written procedure for raising and handling concerns, the employer should:
  - a) identify how and when concerns should be recorded;
  - b) ensure, through training at all levels, the effective implementation of the whistleblowing arrangements;
  - c) identify the person with overall responsibility for the effective implementation of the whistleblowing arrangements;
  - d) conduct periodic audits of the effectiveness of the whistleblowing arrangements, to include at least:
    - i. a record of the number and types of concerns

raised and the outcomes of investigations;

- ii. feedback from individuals who have used the arrangements;
  - iii. any complaints of victimisation;
  - iv. any complaints of failures to maintain confidentiality;
  - v. a review of other existing reporting mechanisms, such as fraud, incident reporting or health and safety reports;
  - vi. a review of other adverse incidents that could have been identified by staff (e.g. consumer complaints, publicity or wrongdoing identified by third parties);
  - vii. a review of any relevant litigation; and
  - viii. a review of staff awareness, trust and confidence in the arrangements.
- e) make provision for the independent oversight and review of the whistleblowing arrangements by the Board, the Audit or Risk Committee or equivalent body. This body should set the terms of reference for the periodic audits set out in 7(d) and should review the reports.

8. Where an organisation publishes an annual report, that report should include information about the effectiveness of the whistleblowing

<b>CAERPHILLY COUNTY BOROUGH COUNCIL</b>
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**ADDITION TO THE CODE OF CONDUCT - WHISTLEBLOWING**

**THIS DOCUMENT EXPLAINS WHISTLEBLOWING, WHAT LEGAL PROTECTION IS GIVEN BY LAW, AND HOW CAERPHILLY COUNTY BOROUGH COUNCIL WILL DEAL WITH ISSUES RAISED BY EMPLOYEES.**

**1.0 INTRODUCTION**

- 1.1 Sir Gordon Borrie QC defines whistleblowing as the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or of his fellow employees.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not be prepared to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.
- 1.3 It is recognised that to come forward and speak up can be difficult and place individuals in an awkward position. This policy recognises that some cases will have to proceed on a confidential basis. In addition, this policy makes it clear that employees can raise matters without fear of reprisals. The whole purpose of the policy is to provide a framework to enable staff to raise serious concerns within the Council rather than ignoring a problem.
- 1.4 The statutory protection for employees appears in the Public Interest Disclosure Act 1998. It protects employees against victimisation or dismissal provided that disclosure is made in accordance with the Act. It is important to stress that an employee can only make public disclosure in certain circumstances - there is no automatic right to "go public". What the Act says is set out in more detail later.

**2. THE PUBLIC INTEREST DISCLOSURE ACT 1998**

- 2.1 The Act gives protection for workers who make a "protected disclosure"
- a right not to be victimised because a protected disclosure has been made
  - a right not to be dismissed or selected for redundancy because of having made a protected disclosure
- 2.2 What is a protected disclosure? There are two things that have to be satisfied:-
- (a) the disclosure must be of a certain type of information (called a "qualifying disclosure") and
  - (b) the disclosure must be made in a way which is described in the Act.

(a) A qualifying disclosure:

This is a disclosure of information which in the reasonable belief of the worker making the disclosure tends to show one or more of the following:-

- a criminal offence
- that there is a failure to comply with a legal obligation
- miscarriage of justice
- that the health or safety of any individual is endangered
- damage to the environment
- deliberate concealment of any of the above

(b) The manner of disclosure:

The Act says that a disclosure to one of the following persons is protected provided that it is made in good faith.

- to the employer (and a list is set out later in this document about how that can be done)
- if the complaint is about someone else not employed by the Council, to that person's employer
- if it is about an issue where another person or body (not the Council) is responsible for the issue then disclosure can be made to that other person or body
- to anybody else authorised by the Council (the list later in this document sets out who that is)
- for certain specific types of malpractice to an outside regulator. The appendix to this policy sets out that list and the matters which may be referred to them. (Here, you must also reasonably believe that the information you are disclosing is substantially true).

(c) Public disclosure:

The employee is protected in making a public disclosure if these things are satisfied:-

- the disclosure is made in good faith
- the employee believes that the information is substantially true
- the disclosure is not made for the purposes of personal gain
- that the employee believes that he or she will be subjected to victimisation by the employer if a disclosure is made to the employer **or** that evidence relating to the matter being complained about will be concealed or destroyed if a disclosure is made to the employer **or** that a previous disclosure has been made to the employer
- in all the circumstances of the case it is reasonable for the disclosure to be made (the legislation says that regard has to be had to the identify of the person to whom the disclosure is made, the seriousness of the failure, whether the failure is continuing, whether the disclosure is made in breach of a duty of confidentiality owed to a third party, any action which an employer has taken or might reasonably be expected to have taken, or whether the employee complied with any internal procedure for disclosures

### **3.0 AIMS AND SCOPE OF THIS POLICY**

3.1 This policy is applicable to all employees and will:-

- \* provide avenues for employees to raise concerns and receive feedback on any action taken;
- \* allow employees to take matters further if they are dissatisfied with the Council's response;
- \* reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.

3.2 This policy is intended to cover concerns that fall outside the scope of other existing procedures.

3.3 There are a few areas highlighted by the Public Interest Disclosure Act. These include:-

- \* criminal offences or breach of any statutory requirement or legal obligation;
- \* improper or unauthorised use of public or other funds;
- \* abuse of authority;
- \* miscarriage of justice;
- \* maladministration;
- \* action that is against that laid down in the appropriate professional codes of conduct;
- \* danger to the health or safety of any individual or the environment.

This list is not exhaustive, but it is indicative of the 'kind' of misconduct or malpractice that would be covered and as regards the Council may include:-

- \* is unlawful; or
- \* is against the Council's Standing Orders or policies; or
- \* falls below established standards or practices; or
- \* amounts to improper conduct.

### **4.0 SAFEGUARDS**

#### **4.1 Harassment or Victimisation**

4.1.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect employees when matters are raised in good faith. Anyone who victimises an employee as a result of their raising a concern under this policy, will be

dealt with under the Council's disciplinary procedure.

- 4.1.2 If an employee, who raises the concern, is already the subject of disciplinary or redundancy procedures, then that action will be reviewed to see if there is any link between the whistleblowing and the decisions in the disciplinary or redundancy procedures. This review may decide that the action taken should continue because there is no link, or that matters should be put 'on hold' whilst the concerns raised by the employee are investigated.

## 4.2 Confidentiality

- 4.2.1 The Council will do its utmost to protect the identity of employees when they raise a concern and do not want their name disclosed. If after investigation, the Council considers that the concern is justified, and if it is unable to proceed without the evidence of the employee it will discuss with you how it can best proceed.

## 4.3 Untrue Allegations

- 4.3.1 If an allegation is made in good faith, but it is not confirmed by the investigation, the matter will be closed and no further action taken. If, however, the investigation shows that untrue allegations were malicious and/or vexatious, then disciplinary action may be taken.

## 5.0 RAISING A CONCERN

- 5.1 As a first step, an employee should normally raise concerns with the immediate manager, their Supervisor or Director. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. The earlier that concerns are expressed, the easier it is to take action. Alternately, employees may approach the Human Resources Service Manager (Customer Services) or Human Resources Service Manager (Strategy and Operations), in complete confidence, who will take the appropriate action.

- 5.2 However, if the concerns involve management or the employee chooses to they can approach, the most appropriate of:-

*	Chief Executive	Anthony O'Sullivan	OSULLA @Caerphilly.gov.uk	01443 864410
*	Deputy Chief Executive	Nigel Barnett	BARNEN @Caerphilly.gov.uk	01443 864419
*	Monitoring Officer	Daniel Perkins	PERKID @Caerphilly.gov.uk	01443 863142
*	Head of Corporate Finance (S151 Officer)	Nicole Scammell	SCAMMN @Caerphilly.gov.uk	01443 863022
*	Trade Union Representative			
*	Professional Association			



5.3 This policy encourages employees to put their name to any concerns raised. Concerns are better raised in writing and employees are invited to set out the background and history of the concern, giving names, dates and places where possible and the reasons why there are concerns. However, if an employee feels unable to put concerns in writing, they can telephone or seek an interview with the appropriate officer in the first instance.

5.4 Although an employee is not expected to prove the truth of any allegation, in determining what action to take, the person contacted will assess whether there are sufficient grounds for the Council to act. In doing so, the Council will take into account:-

- \* the seriousness of the issues raised;
- \* the credibility of the concern; and
- \* the likelihood of confirming the allegation from attributable sources.

5.5 Advice and guidance on how matters of concern may be pursued can be obtained from:-

*	Head of Workforce and Organisation Development	Gareth Hardacre	HARDAG@Caerphilly.gov.uk 01443 864309
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\* Trade Union representative

*	Public Concern at Work	020 7404 6609
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This is a legal advice centre and independent charity which gives independent and practical advice on how to raise concerns in the most constructive way. The Council makes a contribution to the charity for the provision of this service, but the charity and its advice are entirely independent of the Council and are not influenced in any way by the Council.

## **6.0 HOW THE COUNCIL WILL RESPOND**

6.1 The action taken by the Council will depend on the seriousness of the concern. The matters raised may:-

- \* be investigated internally by the appropriate manager;
- \* be referred to the Police if there is evidence of a criminal offence;
- \* be referred to the External Auditor if there is evidence of financial impropriety;
- \* form the subject of an independent external or internal enquiry.

6.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns and allegations which fall within the scope of existing procedures will normally be referred for consideration under those procedures.

- 6.3 Some concerns may be resolved by agreed action without the need for investigation.
- 6.4 Within ten working days of a concern being received, the Council will respond by:-
- \* acknowledging that the concern has been received;
  - \* indicating how it intends to deal with the matter;
  - \* giving an estimate of how long it will take to provide a final response;
  - \* telling the employee whether any initial enquiries have been made; and
  - \* telling employees whether further investigations will take place and if not, why not.
- 6.5 If necessary, further information will be sought from the employee. Where any meeting **is** arranged, employees have the right to be accompanied by a Trade Union or Professional Association representative or a friend who is not involved in the area of work to which the concern relates.
- 6.6 The Council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will provide support and advice on procedure, etc.
- 6.7 The Council accepts that employees need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints and any necessary confidentiality issues, employees will receive information on the outcome of any investigations.
- 7.0 RESPONSIBLE OFFICER**
- 7.1 The Council's Standards Committee acting through the Monitoring Officer has overall responsibility for the maintenance and operation of this policy. All documentation relating to any concerns that have been raised will be lodged with the Monitoring Officer for safe keeping. That officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Council's Standards Committee in a confidential format.

**July 2001 (revised June 2012)**

## PREScribed PERSONS UNDER THE PUBLIC INTEREST DISCLOSURE ACT

<i>Persons and descriptions of people</i>	<i>Descriptions of matters</i>
Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government bodies.	The proper conduct of public business, value for money, fraud and corruption in local government bodies.
Audit Commission for England and Wales and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies.	The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies.
Certification Officer.	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Charity Commissioners for England and Wales.	The proper administration of charities and of funds given or held for charitable purposes.
The Scottish Ministers.	The proper administration of charities and of funds given or held for charitable purposes.
Chief Executive of the Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Chief Executive of the Scottish Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Civil Aviation Authority.	Compliance with the requirements of civil aviation legislation, including aviation safety.
The competent authority under Part IV of the Financial Services and Markets Act 2000. <a href="#">[3]</a>	The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public.
Commissioners of Customs and Excise.	Value added tax, insurance premium tax, excise duties and landfill tax.  The import and export of prohibited or restricted goods.
Commissioners of the Inland Revenue.	Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.
Comptroller and Auditor General of the National Audit Office.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally-funded public services.
Auditor General for Wales.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Auditor General for Scotland and persons appointed by or on his behalf under the Public Finance and Accountability (Scotland) Act 2000 <a href="#">[4]</a> to act as auditors or examiners for the purposes of sections 21 to 24 of that Act.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.

<b><i>Persons and descriptions of people</i></b>	<b><i>Descriptions of matters</i></b>
Audit Scotland.	The proper conduct of public business, value for money, fraud and corruption in public bodies.
Director General of Electricity Supply.	The generation, transmission, distribution and supply of electricity, and activities ancillary to these matters.
Director General of Gas Supply.	The transportation, shipping and supply of gas through pipes, and activities ancillary to these matters.
Director General of Telecommunications.	The provision and use of telecommunications systems, services and apparatus.
Director General of Water Services.	The supply of water and the provision of sewerage services.
Water Industry Commissioner for Scotland.	The supply of water and the provision of sewerage services.
Director of the Serious Fraud Office.	Serious or complex fraud.
Lord Advocate, Scotland.	Serious or complex fraud.
Environment Agency.	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.
Scottish Environment Protection Agency.	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to flood warning systems and pollution.
Food Standards Agency.	Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.
Financial Services Authority.	The carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies, and industrial and provident societies; the functioning of financial markets, investment exchanges and clearing houses; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority.

<b><i>Persons and descriptions of people</i></b>	<b><i>Descriptions of matters</i></b>
General Social Care Council.	Matters relating to the registration of social care workers under the Care Standards Act 2000[5].
Care Council for Wales.	Matters relating to the registration of social care workers under the Care Standards Act 2000.
Scottish Social Services Council.	Matters relating to the registration of the social services workforce by the Scottish Social Services Council.
Children's Commissioner for Wales.	Matters relating to the rights and welfare of children.
Health and Safety Executive.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Housing Corporation.	The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.
Local authorities which are responsible for the enforcement of health and safety legislation.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Information Commissioner.	Compliance with the requirements of legislation relating to data protection and to freedom of information.
Scottish Information Commissioner.	Compliance with the requirements of legislation relating to freedom of information.
National Care Standards Commission.	Matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000.
National Assembly for Wales.	Matters relating to the provision of social care services liable to be registered or inspected under the Care Standards Act 2000 or the Children Act 1989[6].  The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.
Scottish Commission for the Regulation of Care.	Matters relating to the provision of care services, as defined in the Regulation of Care (Scotland) Act 2001[7].
Occupational Pensions Regulatory Authority.	Matters relating to occupational pension schemes and other private pension arrangements.

<b><i>Persons and descriptions of people</i></b>	<b><i>Descriptions of matters</i></b>
Office of Fair Trading.	Matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers. Competition affecting markets in the United Kingdom.
Rail Regulator.	The provision and supply of railway services.
Standards Board for England.	Breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000[8]) of that authority's code of conduct.
Local Commissioner in Wales.	Breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000) of that authority's code of conduct.
Standards Commission for Scotland and the Chief Investigating Officer.	Breaches by a councillor or a member of a devolved public body (as defined in section 28 of the Ethical Standards in Public Life etc. (Scotland) Act 2000[9]) of the code of conduct applicable to that councillor or member under that Act.
Treasury.	The carrying on of insurance business.
Secretary of State for Trade and Industry.	Fraud, and other misconduct, in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing.  Consumer safety.
Secretary of State for Transport.	Compliance with merchant shipping law, including maritime safety.
Local authorities which are responsible for the enforcement of consumer protection legislation.	Compliance with the requirements of consumer protection legislation.
Local authorities which are responsible for the enforcement of food standards.	Compliance with the requirements of food safety legislation.
A person ("person A") carrying out functions, by virtue of legislation, relating to relevant failures falling within one or more matters within a description of matters in respect of which another person ("person B") is prescribed by this Order, where person B was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible.	Matters falling within the description of matters in respect of which person B is prescribed by this Order, to the extent that those matters relate to functions currently carried out by person A.

**APPENDIX 4 – DECLARATION OF INTERESTS FORM**

Employee's Name:		Employee's Number:	
Job Title:			
Directorate			
Service Area, School or Establishment:			

Type of Declaration	Details		
Relationship:  Councillor <input type="checkbox"/>  Contractor <input type="checkbox"/>  Employee <input type="checkbox"/>  Other <input type="checkbox"/>	Name:  Post Title:  Nature of my relationship to the named person:  Details of any potential contact/conflict of interest:		
Personal interest or membership of an organisation, business, professional body or secret society e.g. School Governing Body, voluntary organisation role, involvement in a family business	Description of my interest:  Name and location of organisation concerned (if applicable):  Effective date:  Financial benefit / implication:  Details of steps that could be taken to protect the Council's interest:		
Gifts and Hospitality	Was the gift / hospitality to you or to an immediate relative? (if a relative, please give the relative's name and their relationship to you):  Description of gift, hospitality or sponsorship:  Supplier name / organisation:  Date offer made:  Approximate value:  Accepted / Declined and reason for decision		
Employee's Signature:		Date:	

**Completed By Head of Service**

Details of any controls/ action taken to protect the Council's interests			
Name of Head of Service:			
Head of Service Signature:		Date:	

**Circulation of Completed Form**

Original copy retained by Head of Service:	
Date Copy Sent to Employee:	
Date copy emailed to HR Strategy and Development for filing on employees personal file:	
Date Directorate Summary Spreadsheet updated:	

Version: 2  
Date Verified: November 2014





# Agenda Item 13

AGENDA ITEM NO.

## FORWARD WORK PROGRAMME FOR AUDIT COMMITTEE

Deadline (12 Noon) Reports To Committee Services	Meeting Date	TOPIC	RESPONSIBILITY
23/02/14	11/03/15	Complaints Report (6 monthly basis) Regulation of Investigatory Powers Act 2000 Business Continuity Update Register- Gifts and Hospitality (Information) Forward Work Programme (Information)	Gail Williams Gail Williams Rob Hartshorn Gareth Hardacre Nicole Scammell
26/05/15	10/06/15	Regulation of Investigatory Powers Act 2000	Gail Williams
24/08/14	*09/09/15	Complaints Report (6 monthly basis) Regulation of Investigatory Powers Act 2000	Gail Williams Gail Williams
23/11/14	*09/12/15	Regulation of Investigatory Powers Act 2000	Gail Williams

\* Provisional Future dates

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Minutes of meeting on 18<sup>th</sup> July 2014  
Room 4.2 9.30 a.m.

Attendees : Nicole Scammell, Colin Jones, Joanne Jones, Lynton Jones, Gail Williams, Richard Harris

1. Apologies were received from Cllr Forehead.
2. The minutes of the meeting held on 14th May 2014 were reviewed and agreed.
3. Jackie Dix attended to update the panel on the latest progress with the work on partnerships and collaborations. JD summarised the latest version of her papers and talked thru the key elements. JD highlighted those partnerships / collaborations which she felt were a priority for further checking and it was suggested that prior to the finalisation of the committee papers further consultation take place with the appropriate Heads of Service to establish the accuracy of their original submissions. It was also agreed that future sample checking could only take place once the protocol had been rolled out to the various parties so that they are made aware of what expectations are placed on them. The title of the document was also considered and it was accepted that the term protocol should be used instead of strategy. The approval process was discussed and it was agreed that JD would seek confirmation from the monitoring officer on the appropriate route to be followed. Once official approvals have been obtained it is anticipated that the protocol will then go to the December Audit Committee.
4. Joanne Jones talked through her updated papers that were issued prior to the meeting drawing the panel's attention to the salient issues. The FOI compliance rate for the first six months has gone from 72% to 78% but is still falling short of the required compliance rate. There is scope to visit some best performing authorities which we may take up in the future to compare processes but initially it was agreed that JJ would reassess what data is included and excluded in our performance data to make sure we are not just accounting for the more complex requests. The HoS approval process was also flagged as a potential improvement area and it was agreed that the email to HoS should be made clearer so that HoS were in no doubt that approval was required. JJ also identified CCTV as a potential problem area with varying approaches and uses and further work needs to be done which will be reported back to the panel.
5. Rob Hartshorn updated the panel on the Business Continuity progress and provided handouts showing the work undertaken to date. RH pointed out the varying approaches used to compile the Impact assessments and all areas were to complete their risk assessments by 30<sup>th</sup> June however only the Environment Directorate met the deadline with 105 risk assessments. These are currently being reviewed by emergency planning staff. Due to the volume of risk assessments capacity is an issue and had been identified previously however a reminder has been sent which should result in the risk assessments being completed by September. It was confirmed that an update was required for the September Audit Committee. The Impact assessments should be completed, the position with the risk assessments will be clearer and a better indication of the timeline slippage will be available. RH was asked to consult with Donna Jones to ascertain whether her work with schools has sufficiently developed to enable something to be included in the update to Audit Committee. Upon RH departing the meeting the panel members discussed further the content of the handout provided and felt that the level of detail was too low and would indeed cause capacity issues and that critical services needed to be prioritised. Richard Harris to email RH to seek assurance that this would be addressed.

6. An action plan was discussed and it was agreed that many of the actions are feeding into other processes which are being well monitored. Richard Harris to look to pull together an action plan to bring all the relevant elements together.
7. Lesson learned from previous years and the WAO review have all been introduced. We are still waiting for the All Wales review report. There was nothing identified by the panel during the meeting