

Notice of Meeting



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Governance and Ethics Committee

Monday, 5th February, 2018 at 5.00 pm
in Council Chamber Council Offices
Market Street Newbury

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Date of despatch of Agenda: Friday, 26 January 2018

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Andy Day/Moira Fraser/Stephen Chard on (01635) 519459/519045/519462

e-mail: andy.day@westberks.gov.uk / moira.fraser@westberks.gov.uk / stephen.chard@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



Agenda - Governance and Ethics Committee to be held on Monday, 5 February 2018
(continued)

To: Councillors Steve Ardagh-Walter, Jeff Beck (Vice-Chairman), Paul Bryant, Keith Chopping (Chairman), James Cole, Barry Dickens, Lee Dillon, Jane Langford, Geoff Mayes, Anthony Pick and Quentin Webb

Substitutes: Councillors Jason Collis, Billy Drummond and Sheila Ellison

Agenda

Part I

Page No.

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| 1 | Apologies
To receive apologies for inability to attend the meeting (if any). | 1 - 6 |
| 2 | Minutes
To approve as a correct record the Minutes of the meetings of this Committee held on 27 November 2017 and the special meeting on the 07 December 2017. | 7 - 10 |
| 3 | Declarations of Interest
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct . | 11 - 34 |
| 4 | Forward Plan
<i>Purpose: To consider the Forward Plan for the next 12 months.</i> | 35 - 48 |

Governance Matters

- | | | |
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| 5 | Challenging Communication Issues - Update to the Officers Code of Conduct
<i>Purpose: To advise of proposed amendments to the Code of Conduct relating to Officers use of Social Media.</i> | 11 - 34 |
| 6 | Internal Audit - Interim Report 2017-18 (GE3258)
<i>Purpose: To update the Committee on the outcome of internal audit work carried out during the first half of 2017-18.</i> | 35 - 48 |
| 7 | Discussion on Response to Consultations
<i>Purpose: To discuss how the Council deals with responding to consultations and how responses are reported back.</i> | |



Agenda - Governance and Ethics Committee to be held on Monday, 5 February 2018
(continued)

Andy Day
Head of Strategic Support

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

GOVERNANCE AND ETHICS COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 27 NOVEMBER 2017

Councillors Present: Steve Ardagh-Walter, Jeff Beck (Vice-Chairman), Graham Bridgman, Paul Bryant, James Cole (Chairman), Lee Dillon, Jane Langford (In place of Barry Dickens), Geoff Mayes, Anthony Pick and Quentin Webb

Also Present: Sarah Clarke (Acting Head of Legal Services), Lesley Flannigan (Finance Manager: Financial Reporting), Shiraz Sheikh (Principal Solicitor), Andy Walker (Head of Finance) and Jo Reeves (Principal Policy Officer)

Apologies for inability to attend the meeting: Barry Dickens

PART I

17 Minutes

The Minutes of the meeting held on 21 August 2017 were approved as a true and correct record and signed by the Chairman.

Matters Arising:

Item 10 – Update on Ethical Matters – Q2 of 2017/18 – Councillor Jeff Beck asked whether the outstanding complaint had now concluded. Sarah Clarke advised that a report had been drafted and was going through the process.

Councillor Beck asked Councillor Graham Bridgman for the results of his conversation with the Monitoring Officer. Councillor Bridgman confirmed that the typographical corrections had been completed.

In response to a further question from Councillor Beck, Sarah Clarke confirmed that a message to remind all Members and officers of the gifts and hospitality protocol would be circulated on 30th November 2017.

Councillor James Cole noted that he had previously requested that an actions log be added to the agenda for future meetings.

18 Declarations of Interest

There were no declarations of interest received.

19 Forward Plan

The Committee considered the Governance and Ethics Committee Forward Plan (Agenda Item 4).

(Councillor Lee Dillon joined the meeting at 5.06pm and confirmed that he had no interests to declare.)

RESOLVED that the Governance and Ethics Committee Forward Plan be noted.

20 Financial Statements 2016/17 - Annual Audit Letter (GE3257)

The Committee considered a report (Agenda Item 5) which included the Final Annual Audit Letter 2016/17 from KPMG. This Audit Letter summarised the outcomes from their audit work at West Berkshire Council in relation to the 2016/17 audit year.

(Councillor Steve Ardagh-Walter joined the meeting at 5.07pm and confirmed he had no interest to declare.)

Value for Money was given an unqualified conclusion. KPMG concluded that the Authority had made proper arrangements for securing economy, efficiency and effectiveness in the use of its resources. They had commented on two areas in relation to Value for Money:

- The risks of making investments outside the Authority's geographical area;
- The Authority's reserves were sufficient to deliver services and take appropriate risks in amending service delivery models without impacting on the financial viability of the organisation.

KPMG had also issued an unqualified opinion on the Council's financial statements on 27th September 2017. Three medium priority recommendations had been raised:

- Review of asset valuation report – recommended that the report was reviewed by interested and informed parties within the authority to ensure it was complete and accurate;
- Valuation instructions – recommended that the authority review the instructions provided to the valuer to ensure only owned assets were included. In addition it was recommended that the authority consider the best approach to gaining external assessments of the useful lives of its assets;
- Agresso user accounts – recommended the introduction of a monthly user account/leaver review and reconciliation to ensure all user accounts were closed appropriately.

KPMG agreed that the Whole of Government Accounts return for central government was consistent with the audited Financial Statements.

RESOLVED that the report be noted.

21 Amendments to the Scheme of Delegation (C3903)

The Committee considered a report (Agenda Item 6) concerning which set out proposed changes to the Scheme of Delegation which formed Part 3 of the Council's Constitution.

The previous version of the Scheme had been subject to various amendments over a period of time, which meant that the specific delegations given to different Heads of Service was not consistent in style or format. Whilst some of those differences still existed, it was considered that the proposed revisions helped to align the delegations to all Heads of Service in all service areas. One significant change was that the proposed amendments would grant a general delegation to each customer facing service area to undertake all the day to day functions necessary for that service area to fulfil its statutory duties and obligations. It was considered that this should provide greater flexibility and certainty about the powers exercisable by each Head of Service.

Shiraz Sheikh confirmed that the Scheme of Delegation had been reviewed following SMR4 but that it was not just a case of changing names. There had been inconsistencies in delegations to Heads of Service which had sometimes been over prescriptive. Delegations to statutory posts had also been clarified. The instigation of legal proceedings would need to sit with the Head of Legal Services unless authority to implement the function had been given to someone else. Shiraz Sheikh stated that he hoped the new version of the Scheme of Delegation was more succinct.

GOVERNANCE AND ETHICS COMMITTEE - 27 NOVEMBER 2017 - MINUTES

Councillor Bryant enquired how the proposed Scheme of Delegation compared with those of other local authorities. Shiraz Sheikh advised that the version before the Committee would provide a balance between being brief and overly prescriptive as was about average compared to others. Councillor Bryant expressed the view that the document was very detailed and any legislative changes would require the document was thoroughly updated. Sarah Clarke responded that officers had tried to ensure the document was specific enough where required but also had general delegations in it to ensure that any changes to legislation were automatically encapsulated in the Scheme.

Councillor Bridgman advised that some corrections were required to the formatting of the document for clarity. He also indicated that the 'Membership' column on pages 44-45 of the agenda pack was unhelpful as language was not used consistently. It was agreed that Councillor Bridgman would meet with Shiraz Sheikh to go through the document before it was presented to the Council. **(Action: Shiraz Sheikh/ Councillor Bridgman.)**

Councillor Steve Ardagh-Walter enquired to what extent the new Scheme would change the way Heads of Service and tier three managers would operate. Sarah Clarke explained that no changes were being proposed to the powers that officers had, instead the document sought to clarify those they already had. Councillor Ardagh-Walter asked whether there were any opportunities to streamline services. Sarah Clarke advised that the document was meant to be enabling rather than controlling and it was not the purpose of the Scheme of Delegation to suggest efficiencies.

Councillor Pick suggested that it would be useful to agree terminology to be used consistently throughout the whole of the Constitution.

Councillor Lee Dillon asked whether the document would need to be revised if new laws were passed. Sarah Clarke advised that there was sufficient general provision in the Scheme to cover any powers introduced by new laws. The articles of the Constitution were on a rolling programme of review.

Councillor Quentin Webb asked where in the Scheme of Delegation the power to create a working party was specified. Sarah Clarke advised that working parties had no decision-making powers and therefore this did not need to be included in the Scheme. After some discussion, Councillor Bryant suggested that any Member could seek to establish a working party and this might have implications on the Council's resources. Councillor Bridgman stated that officers would question the basis upon which the group had been established and the legitimate Committee etc would need to be identified. He further stated that creation of a working party was not a power of the Council as laid out in statute and therefore did not need to be recorded in the Scheme of Delegation.

RESOLVED that the amendments to the Scheme of Delegation, Part 3 of the Constitution be recommended to full Council for approval and adoption.

(The meeting commenced at 5.00 pm and closed at 6.09 pm)

CHAIRMAN

Date of Signature

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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

GOVERNANCE AND ETHICS COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY, 7 DECEMBER 2017

Councillors Present: Steve Ardagh-Walter, Jeff Beck (Vice-Chairman), Graham Bridgman, Paul Bryant, James Cole (Chairman), Lee Dillon, Jane Langford (In place of Barry Dickens), Geoff Mayes, Anthony Pick and Quentin Webb

Also Present: Sarah Clarke (Acting Head of Legal Services), Lesley Flannigan (Finance Manager: Financial Reporting) and Andy Walker (Head of Finance),

Apologies for inability to attend the meeting: Barry Dickens

PART I

22 Election of the Chairman

Councillor Keith Chopping was appointed as the Chairman for the remainder of the 2017/18 Municipal Year.

(The meeting commenced at 5.00 pm and closed at 6.09 pm)

CHAIRMAN

Date of Signature

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Governance and Ethics Committee Forward Plan April 2018 – April 2019

No.	Ref No	Item	Purpose	Lead Officer	Lead Member	Governance/Audit/Ethics
23 April 2018						
1.	C3323	Monitoring Officer's Annual Report to the Governance and Ethics Committee –2017/18 Year End	To provide an update on local and national issues relating to ethical standards and to bring to the attention of the Committee any complaints or other problems within West Berkshire.	Sarah Clarke	Chairman of Governance and Ethics	Ethics
2.	C3260	Amendments to the Constitution – Scheme of Delegation	To review and amend sections of the Scheme of Delegation in light of legislative changes and current practice.	Sarah Clarke	Corporate Services	Governance
3.	GE3325	External Audit Plan 2018-19	To provide Members with a copy of the External Audit Plan for 2018-19.	Chief Auditor	Corporate Services	Audit
4.	GE3370	Risk Management - Review for Governance and Ethics Committee	At the meeting of the G&E Committee on the 23rd November 2015 Councillor James Cole, commenting on a report outlining the Council's risk management approach, raised some reservations about the approach taken by the Council. The committee asked Councillor James Cole to review the Council's approach to risk management and report back to the committee in due course. This report outlines the results of that review and makes a number of	James Cole	Corporate Services	Audit

No.	Ref No	Item	Purpose	Lead Officer	Lead Member	Governance/Audit/Ethics
			recommendations for improving the Council's risk management arrangements.			
5.	GE3270	Outcome of the External Review of Internal Audit	To provide members with the results of the external review of internal audit and seek comments on any proposed actions.	Chief Auditor	Corporate Services	Audit
18 June 2018						
6.	GE3324	Internal Audit Plan 2018/19	To outline the proposed internal audit work programme for the next three years	Chief Auditor	Corporate Services	Audit
23 July 2018						
7.	GE3327	West Berkshire Council Financial Statements 2017/18 including external auditor's Opinion.	To provide Members with the final copy of the Council's Financial Statements	Andy Walker	Finance, Transformation and Economic Development	Audit
8.	GE3330	Internal Audit Annual Report 2017/18	To provide an opinion on the effectiveness of the Council's internal control framework	Chief Auditor	Corporate Services	Audit
9.	GE3331	Annual Governance Statement	To allow the committee to review the Annual Governance Statement before it is signed by the Leader and Chief Executive	Chief Auditor	Corporate Services	Governance
26 November 2018						
10.	GE3360	Financial Statements 2017/18 - Annual Audit Letter	To provide Members with the Final Annual Audit Letter 2017/18 from external auditor. The audit letter summarises the outcome from their	Lesley Flannigan	Finance, Transformation and Economic Development	Audit

No.	Ref No	Item	Purpose	Lead Officer	Lead Member	Governance/Audit/Ethics
			audit work at West Berkshire Council in relation to the 2017/18 audit year.			
11.	GE3326	Review of the Revised Scrutiny Arrangements'	To consider the effectiveness of the revised scrutiny arrangements.	Andy Day	Chairman of Governance and Ethics	Governance
04 February 2019						
12.	C3405	Amendments to the Constitution – Scheme of Delegation	To review and amend sections of the Scheme of Delegation in light of legislative changes and current practice.	Sarah Clarke	Corporate Services	Governance
13.	GE3406	Internal Audit – Interim Report 2018-19	To update the Committee on the outcome of internal audit work.	Chief Auditor	Corporate Services	Audit
15 April 2019						
14.	C3424	Monitoring Officer's Annual Report to the Governance and Ethics Committee –2018/19 Year End	To provide an update on local and national issues relating to ethical standards and to bring to the attention of the Committee any complaints or other problems within West Berkshire.	Sarah Clarke	Corporate Services	Ethics
15.	C3425	Amendments to the Constitution – Scheme of Delegation	To review and amend sections of the Scheme of Delegation in light of legislative changes and current practice.	Sarah Clarke	Corporate Services	Governance
16.	GE3426	Internal Audit Plan 2019/20	To outline the proposed internal audit work programme for the next three years	Chief Internal Auditor	Corporate Services	Audit

No.	Ref No	Item	Purpose	Lead Officer	Lead Member	Governance/Audit/Ethics
17.	GE3427	External Audit Plan 2019-20	To provide Members with a copy of the External Audit Plan for 2018-19	Chief Internal Auditor	Corporate Services	Audit

Challenging Communication Issues - Update to the Officers Code of Conduct - Summary Report

Committee considering report:	Governance and Ethics Committee
Date of Committee:	05 February 2018
Portfolio Member:	Councillor Graham Bridgman
Date Portfolio Member agreed report:	
Report Author:	Sarah Clarke
Forward Plan Ref:	N/a

1. Purpose of the Report

- 1.1 A review has been undertaken of the Council's policies to ensure that they remained fit for purpose, having regard to the increasing use of social media.
- 1.2 It is recommended that the rules governing the use of social media by officers should form part of the Officers Code of Conduct.
- 1.3 This report seeks to advise of proposed amendments to the Code of Conduct relating to officers use of Social Media.

2. Recommendation

That Council approve the amendments to the Officers Code of Conduct within Part 13 of the Constitution, as detailed in Appendix C.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** This proposes amendments to the Officers Code of Conduct.
- 3.3 **Personnel:** Staff may be affected by the proposed changes to existing policies. However, the impact is considered to be minimal and is considered to reflect good practise.
- 3.4 **Legal:** None
- 3.5 **Risk Management:** These proposals seek to set out clear guidelines relating to the use of social media by officers.
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 Leave the policy unchanged.

Executive Summary

5. Introduction / Background

- 5.1 A review has been undertaken of the Council's policies relevant to the use by officers of social media.
- 5.2 As a result of that review, it is proposed to amend the Officers Code of Conduct so that this incorporates a section on the use of social media.

6. Proposal

It is proposed that the Officers Code of Conduct be amended as detailed in Appendix C.

7. Conclusion

It is considered that the proposed changes will provide greater clarity to officers about acceptable standards of behaviour in relation to social media and communications.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Code of Conduct for Staff

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking Council to make:	Amend the Officers Code of Conduct
Summary of relevant legislation:	Relevant local government and employment legislation.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Sarah Clarke
Date of assessment:	16.10.17 and 24.01.18

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	The proposed decision should provide greater clarification for staff about their obligations under the relevant legislation and internal policies.
Objectives:	To ensure appropriate behaviour by staff.
Outcomes:	No inappropriate actions by employees and to ensure appropriate sanctions are available in the event of a breach.
Benefits:	Greater certainty for all parties.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Gender	None	There is a higher ratio of female to male workers employed by the Council. However, it is considered that there will be limited impact if any.
Sexual Orientation	None	
Further Comments relating to the item:		
The changes to the policies will impact all staff equally. The policies seek to clarify obligations.		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
--	--

Name: Sarah Clarke

Date: 16.10.17 and 24.01.18

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Challenging Communication Issues – Update to the Officers Code of Conduct – Supporting Information

1. Introduction/Background

1.1 A review has been undertaken of the Council's policies to ensure that they remain fit for purpose, having regard to the increasing use of social media.

1.2 It is recommended that the rules governing the use of social media by officers form part of the Officers Code of Conduct.

2. Supporting Information

2.1 The use of social media as a form of communication has increased significantly in recent years and the way in which Council employees present and conduct themselves on social media could have an impact on public perception of the Council.

2.2 It is recommended therefore that clear guidelines be issued regarding the use of social media. This will ensure that all employees understand what is considered to be acceptable behaviour when using social media.

2.3 This proposal therefore seeks to incorporate guidance on the use of social media into the Officers Code of Conduct. By incorporating this within the Code of Conduct, this will additionally ensure that the guidelines are reviewed annually as part of the annual rolling review of the Council's Constitution.

3. Options for Consideration

3.1 The options for consideration are as follows:

- i. We continue to operate under the existing policy and guidance;
- ii. We update the Code of Conduct

4. Proposals

4.1 It is proposed that the Officers Code of Conduct be updated in accordance with the draft attached at Appendix C.

4.2 The proposed amendments include an additional section at paragraph 13 regarding the use of social media. The proposed amendments also include an additional paragraph at 10.2 and some additional word for clarification at paragraph 16.3.

5. Conclusion

5.1 It is hoped that the proposed revisions to the Officers Code of Conduct will provide greater clarity about acceptable levels of conduct.

6. Consultation and Engagement

Please set out here those people/key stakeholders/organisations that have been consulted in the preparation of your report.

6.1 Katie Penlington, Martin Dunscombe

6.2 Trade Unions

Background Papers:

*(add text)

Papers containing facts or material you have relied on to prepare your report. The public can access these background papers.

NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Operations Board.

Subject to Call-In:

Yes: No:

If not subject to call-in please put a cross in the appropriate box by double-clicking on the box and selecting 'Checked':

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected:

*(add text)

Please put a cross in the appropriate box(es) by double-clicking on the box and selecting 'Checked':

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim(s):

- BEC – Better educated communities**
- SLE – A stronger local economy**
- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priority(ies):

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**
- SLE1 – Enable the completion of more affordable housing**
- SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**
- P&S1 – Good at safeguarding children and vulnerable adults**
- HQL1 – Support communities to do more to help themselves**
- MEC1 – Become an even more effective Council**

The proposals contained in this report will help to achieve the above Council Strategy

Footer to be completed by Strategic Support

West Berkshire Council

name of decision body

date of meeting

aims and priorities by *(add text)

Officer details:

Name: Sarah Clarke
Job Title: Interim Head of Legal Services
Tel No: 2596
E-mail Address: sarah.clarke@westberks.gov.uk

Code of Conduct for Staff

Code of Conduct for Staff

Section 13.5 of the Council's Constitution

Reference: Constitution
 Version No: 1.3
 Issue Date: September 2017

Document Control

Document Ref:	Constitution part 13	Date Created:	
Version:	1.3	Date Modified:	November 2017
Revision due			
Author:	Jane Milone, amended by Katie Penlington	Sign & Date:	
Head of Service:	Robert O'Reilly	Sign & Date:	
Equality Impact Assessment: (EIA)	Date undertaken:	n/a	
	Issues (if any):		

Change History

Version	Date	Description	Change ID
0.1	July 2014	To reflect changes to the Constitution dated May 2014	
0.2	May 2016	To remove outdated reference to Member Code of Conduct following changes to the Constitution	
1.3	November 2017	Revised to include a section on social media	

Related Documents

Reference	Title	Tier
	Council Constitution	

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1. Introduction

- 1.1. This Code of Conduct for West Berkshire Council employees sets out the expected standards of behaviour for employees of the Council, other than those based in schools.
- 1.2. The public is entitled to expect the highest standards of integrity from local government employees and to know that decisions and actions taken are fair and impartial. Public confidence is shaken if there is the least suspicion, however ill-founded, that there has been improper conduct or that decisions and/or actions have been influenced by improper motives or pressures. Councils are expected to provide clear guidance to their employees on what is acceptable conduct and what is not.
- 1.3. The Council also has a right to expect high standards of conduct and loyalty from its employees. In delivering Council services, employees should maintain the high standards of behaviour that the public is entitled to expect. Employees should also behave in a fair, courteous and supportive manner to colleagues within the Council, and operate within the Council's employment policies.
- 1.4. Breaches of the Code of Conduct will normally result in disciplinary action being taken. Serious breaches may result in dismissal from the Council's employment.

2. Applicability

- 2.1. This code of conduct applies to all employees directly employed by the Council. School employees will be covered by the code of conduct approved by the governing body of the school.

3. Gifts and hospitality - general

- 3.1. The acceptance of gifts and hospitality is a sensitive area where actions can easily be misconstrued. Much of what is acceptable practice in the private sector is not acceptable in local government employment, where actions of employees are open to public scrutiny. In deciding whether to accept gifts or hospitality, employees should consider how their actions might be considered by a member of the public; they should not be embarrassed to explain them. These guidelines will help to judge what sort of gift, and what level of hospitality, is acceptable.

4. Rules and Procedure for Gifts and Hospitality

- 4.1. Acceptance of gifts or hospitality should be the exception. If in any doubt, they should be refused.
 - (a) Employees may accept small "thank you" gifts of token value, such as a diary, a coffee mug or bunch of flowers, if they have not asked for any such gift and if their manager agrees (in advance as far as possible). The manager must note all such gifts in the hospitality register (see (e) below). Gifts that the manager refuses permission to accept must be returned.
 - (b) Employees should always say no if it is believed that the giver has an ulterior motive. They should be sensitive to the possibility that the giver may think that even small gifts or simple hospitality will elicit a more prompt service or preferential treatment.

- (c) Employees should not accept gifts or hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking planning consent, seeking employment with the Council, or in dispute with the Council, even if the employee is not directly involved in that service area.
- (d) If an employee is in doubt about the acceptability of any gift or offer of hospitality he or she must consult the Head of Service or Corporate Director.
- (e) Employees must report immediately (in writing if requested to do so) any offer of hospitality made to them. The manager will make sure it is entered in the hospitality register. Each Head of Service will keep a hospitality register to record any offer of a gift or hospitality, whether accepted or not.

5. Hospitality

- 5.1. A gauge of what is acceptable hospitality is whether the Council would offer a similar level of hospitality in similar circumstances.
- 5.2. Occasional working lunches with customers, providers or partners are generally acceptable as a way of doing business provided that the frequency and cost are reasonable.
- 5.3. Invitations to corporate hospitality events must each be judged on their merit. Provided the general rules above have been taken into account, it may be acceptable to join other company/organisation guests at:
 - sponsored cultural and sporting events, or other public performances, as a representative of the Council
 - special events such as jubilee or millennium celebrations.
- 5.4. In all such cases, Corporate Directors or Heads of Service must be consulted. When deciding acceptability, employees and managers should take account of;
 - the number of events attended
 - the possible public perception of the attendance of employees at such events
 - the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee.
- 5.5. Acceptance of paid holidays, concessionary travel rates, offers of hotel accommodation or the use of company flats is not acceptable.
- 5.6. If an employee is visiting a company to view equipment that the Council is considering buying, expenses for the trip should be paid by the Council. Acceptance of refreshments and/or a working lunch may be acceptable, but care must be taken to ensure that the Council's purchasing and/or tender procedures are not compromised.
- 5.7. Acceptance of sponsored hospitality that is built into the official programme of conferences and seminars related to an employee's work is acceptable.

5.8. Offers to speak at corporate dinners and social gatherings, or events organised by, for example, a professional body, where there is a genuine need to impart information or represent the Council, may be accepted if agreed in advance with the Head of Service. In such cases, where a spouse or partner is included in the invitation, it is acceptable for them to attend as well, provided that expenses incurred are met by the employee.

5.9. Any invitation accepted should be made to the employee in their professional/working capacity as a representative of the Council.

6. Rules Governing Interests

6.1. Local Government employees must, at all times, be seen to be acting fairly and impartially and must consider how their actions appear to members of the public. Everything they do is open to public scrutiny. The public must never have reason to suspect that an employee's personal needs or interests or those of their family or friends influence actions or decisions.

6.2. The following rules set out what constitutes an interest that may conflict with the interests of the Council and the actions that employees must take should such an interest exist.

- Financial interests can be either direct (e.g. an employee or family member making application for planning consent or a grant from the Council) or indirect (e.g. an employee or family member being a committee member of a club that is making such an application).
- A personal interest exists when an employee or their family or close friends or any organisation they belong to could gain or lose (other than financially) from an act or decision of the Council.
- Employees must disclose to the Head of Service if they have a friend, associate or relative who is involved in providing goods or services to the Council, or who is receiving grants or benefits from the Council of a kind that they deal with directly or monitor in any way in the course of their work.
- If circumstances arise during employment in which the employee could exploit Council information or procedures, he/she should inform the Head of Service. The manager should be informed if the employee, their partner or a close relative:
 - is applying for a service or benefit that in the job the employee supplies, administers or influences; or
 - is or could be affected by a change to service delivery, enforcement or control procedures which in the job the employee carries out, administers or influences.
- An employee should register with the Council their membership with any organisation not open to the public that has secrecy about rules, membership and/or conduct, for example Freemasons.

6.3. Disclosures must be made in writing to the Head of Service, with a copy to the Head of Human Resources. He or she will enter brief details of the disclosure in a register that is open for inspection by elected Members of the Council, but not the general public. Disclosures will also be circulated to other Heads of Service for the attention of any officers who might need to know.

6.4. The Head of Human Resources will liaise as appropriate with the Head of Finance and the Audit Manager, who will also have access to any disclosures.

7. Other Employment and Activities

7.1. Employees must not engage in any additional employment, unpaid appointments or other outside activity which conflicts with the Council's interests or which could damage public confidence. In some circumstances permission must be sought before taking on additional employment, as follows;

(a) **Senior Employees**

Senior employees (on or above scp 33) must not engage in any other business or take up any additional appointment or employment without the written consent of their Head of Service.

(b) **All Employees**

There is no requirement employees on scp 32 or under to obtain the consent of their Head of Service before taking up additional employment. However, all employees must inform their manager if they do so because the Working Time Directive requires employers to know the total number of hours worked by their employees.

7.2. The Council owns any inventions, writings and drawings created in the course of employment (intellectual ownership). Employees must obtain their Head of Service's written permission to publish or use this material for any other purpose.

7.3. Employees should consider with caution any requests to do private work, using their professional/technical skills, and must always be aware of the potential for conflict of interest and damage to public confidence in those circumstances.

8. Confidentiality

8.1. Some Council documents are public documents, e.g. the Constitution and Complaints Procedures. Other information is strictly exempt/confidential, e.g. personal information about staff and clients and tendering information. Such information must not be made public or disclosed without authorisation.

8.2. Employees must not disclose any information that is exempt and/or confidential or that, if it were made public, might lead to a breakdown in the trust and confidence that the Council is required to provide to the public and therefore to expect of its employees. It may be necessary to discuss confidential information with colleagues, but sensitive information should not be discussed in public, where it may be overheard. Employees should not disclose exempt/confidential information gained through employment in a social or public setting.

8.3. Employees must not pass any information, or make comment, to the press or other media unless they are expressly authorised to do so. Media enquiries in particular should be handled with care and employees should notify the appropriate Head of Service and the Public Relations Team if they have been approached by the media.

9. Recruitment and Appointment

- 9.1. If an employee is involved in recruitment or making an appointment, they must apply the Council's Recruitment and Selection processes, and ensure that fairness and equity is applied at all stages.
- 9.2. Employees involved in recruitment or making an appointment, must inform their manager if they are closely associated with any of the candidates (e.g. he/she is a relative or close friend).
- 9.3. Employees making a work-related application to the Council (e.g. for a different job, secondment or development opportunity) must disclose to the decision-maker any information that could affect the outcome or cause public concern (e.g. the relationship to an important contractor or client of the service or a conviction relevant to the work). They must not seek the help or influence of Members of the Council or senior employees.

10. General Conduct

- 10.1. All employees are expected to apply the Council's values to all aspects of their behaviour and conduct at work. The Council has an Equality Policy that must be applied in all dealings, with work colleagues as well as with those individuals and organisations that employees have contact with in their work.
- 10.2. The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed. Any failure by officers to comply with the provisions of the Council's Constitution may result in disciplinary action being taken.
- 10.3. The Council has agreed Disciplinary Rules which contain examples of conduct which is unacceptable. Employees must make themselves aware of the content of these rules.
- 10.4. The Council expects the conduct of its employees to be such that no justifiable complaint can be made by members of the public, other bodies and agencies, other employees, managers or Council Members. Any complaints about inappropriate conduct will be dealt with using the Council's Disciplinary Procedure.
- 10.5. All employees are expected to comply with the law relating to their work and general conduct. If they break the law outside of working time and the offence is one that could damage public confidence or have a direct effect on their work, they may be subject to disciplinary procedures.
- 10.6. All employees are expected to treat the equipment and facilities that they use at work with care. Abuse of Council property and facilities will be considered as a serious matter and dealt with under the Disciplinary Procedure.

11. Dress and Presentation

- 11.1. The Council expects its employees to dress in a manner that gives a good impression to the public, and is suitable for the type of work being carried out. Clothes should provide sufficient cover at all times of the year. Managers will advise employees of the type of clothes that are appropriate for the type of work they are employed to do.

11.2. Employees who are required to wear a uniform must conform to those requirements. If they have personal, cultural or religious objections to these requirements, they must raise them with their Head of Service, who will consider each case on its merits and take appropriate action, including using the Council's agreed procedures where appropriate, seeking advice from Human Resources where necessary.

11.3. Clothes should be clean and tidy unless soiled by work duties on that day.

12. Service Delivery

12.1. Good customer care is essential. The first impression created with service users, either in personal contact or on the telephone, will often determine how the interaction will proceed and how the Council will be perceived.

12.2. Employees must treat all service users with courtesy and respect. If a service user is aggressive or offensive, an employee may firmly and politely end their interaction with him or her or summon assistance, but they should not be aggressive or rude in response. They should inform their manager in writing immediately of details of any aggressive or offensive customer or colleague they have dealt with. Details of the protocol that operates in each service area for dealing with aggressive or offensive customers should be provided by the Head of Service.

12.3. Training programmes are provided for staff to help develop ways of dealing with difficult customers appropriately. Managers should provide details if an employee believes it may help them in their job.

12.4. It may be necessary for security staff to use reasonable force to remove a person who has acted violently and refused to leave the premises. Employees who are directly assaulted may be entitled as a last resort to take reasonable action to defend themselves, but over-reaction can constitute a criminal offence. The Council will support, and take appropriate action on behalf of, employees who are assaulted in the course of their duties.

12.5. Employees should try at all times to make service users feel that they are receiving the best attention. Every effort should be made to satisfy the service user or enquirer at his/her first point of contact. If an employee needs to refer the enquiry or matter to another member of staff or another agency, they must explain the reason why.

13. Social media

13.1. The way in which Council employees present and conduct themselves on social media can have an impact on public perception of the Council. Employees should consider carefully before they identify themselves as an employee of the Council on their personal social media accounts as this will increase the likelihood that comments may have an impact on the Council.

13.2. Anything posted, shared or 'liked' on social media could potentially end up in the public domain, regardless of the privacy settings selected by the employee. Employees should be mindful of this when using social media both for and outside of work.

13.3. Employees must ensure that their use of social media does not adversely affect the Council, its business, reputation or credibility. They must ensure that their work and personal use of social media does not:

- Breach any Council policy or procedure
- Subject the Council to legal challenge or potential legal challenge
- Compromise the privacy or dignity of service users or colleagues
- Disclose confidential information gained through their employment by the Council
- Amount to cyber-bullying of colleagues, service users, elected Members or others associated with the Council and its business; for example by posting, commenting or liking information or images about/of them that is intimidating, hostile, abusive, degrading, humiliating or offensive
- Criticise Council employees, service users or individual elected Members. Where an employee is concerned that the Council, its employees or elected Members are acting improperly or unlawfully they should use the Whistle Blowing Procedure to report these concerns; see section 20 below
- Show a lack of respect for the opinions and beliefs of others
- Imply that the personal views of the employee are an expression of the views of the Council

Failure to adhere to these requirements may result in action being taken under the Council's disciplinary procedure and where appropriate this may result in dismissal.

13.4. If an employee wishes to publically comment upon policies or proposals of the Council they should take care to ensure that their comments are not personal or offensive. Employees in politically restricted posts should also take care that their comments do not breach the restrictions placed upon them by legislation. Further information can be found in the Council's Politically Restricted Posts Policy and Procedure.

13.5. Employees in the public sector need to maintain high standards of conduct and impartiality. Employees should not connect with service users where this could give rise to a conflict of interest. Particular care must be taken with respect to vulnerable service users. Where an employee considers that it may be appropriate to accept or send a connection request (e.g. a Facebook friendship request) with a vulnerable service user they must obtain prior written approval from their manager before accepting or seeking the friendship request.

13.6. Where employees are unsure whether or not it is acceptable to post, comment or 'like' something on social media they should check with their line manager before doing so.

13.7. Personal social media sites must not be used by employees during their working hours.

14. Working with Managers

- 14.1. Managers should deal with staff courteously, reasonably and fairly at all times.
- 14.2. Managers will use the Council's Employee Performance Management scheme to appraise performance and provide feedback. They will define expectations, advise on how to improve and deal with any concerns about an employee's work.
- 14.3. Managers should provide advice relating to the Council's human resources policies and provide access to appropriate training and career development within the context of budget and service delivery needs.
- 14.4. Managers will support staff in the proper performance of their duties, including assistance, where necessary, in dealing with other employees or members of the public.
- 14.5. Employees should treat managers with respect and courtesy and carry out any reasonable and lawful instructions their manager gives them to the best of their ability.
- 14.6. Employees should complete any document, form or record in an honest way and never damage, alter or falsify them.
- 14.7. Employees have a responsibility to report any breaches of disciplinary or other Council rules.

15. Working with Councillors

- 15.1. Employees are expected to be polite and efficient when dealing with enquiries from elected Members, working within whatever procedures apply in each Service. Councillors should deal with employees courteously and reasonably.
- 15.2. Employees should not discuss any personal matters to do with the job with Members directly, but should go through agreed Council procedures, such as grievance and appeals procedures or consultative panels. Allegations or claims about other employees should be taken up with an appropriate manager, not with Members.
- 15.3. Employees should not use Members to bypass formal Council procedures in any way, for example to influence the outcome of any disciplinary matter. This does not affect the rights of trade unions to take up matters on behalf of their members through the recognised channels, or for Members to be formally involved in Council procedures when appropriate - for example as a witness.
- 15.4. Employees should not try to influence Members prior to any appointment. This does not preclude them from approaching their local Ward Councillor in his/her role as their elected representative.

16. Working with other Employees

- 16.1. Employees should show respect for their colleagues and should not disrupt or hinder their work in any way.
- 16.2. All forms of bullying, including violence or verbal aggression towards colleagues is unacceptable and will be dealt with under the Disciplinary Procedure. It is not acceptable for employees to abuse their position with the Council to take advantage of other employees. If there are important issues that they cannot resolve amicably with another employee, they must make the situation known to their manager.
- 16.3. All forms of harassment, including on the grounds of sex, race, religion or belief, sexual orientation, age, gender identity or reassignment, disability, pregnancy or maternity, marriage or civil partnership, political affiliation, or membership of a trade union, are unacceptable. The Council's approach is set out in the Responding to Bullying and Harassment Policy. Allegations will be investigated and dealt with under the terms of the Disciplinary Procedure where necessary.
- 16.4. Personal relationships with colleagues who would have a line or other management relationship must be declared on appointment. If close personal relationships develop between colleagues who have a management relationship, the employees concerned must inform the Head of Service. The information will be treated with confidentiality.

17. Smoking, Alcohol and Prescription Drugs at Work

- 17.1. The Council operates a no smoking policy. This applies to all Council buildings, and those where Council services are provided. It also applies when transporting customers in Council or private vehicles.
- 17.2. Employees should not consume alcohol when they are on duty unless agreed beforehand by their manager for specific occasions.
- 17.3. Employees should ensure that any alcohol which is consumed whilst off duty but during the normal working day will not damage the reputation of the Council. For certain types of work, for example those which involve operating heavy machinery, driving Council vehicles and working in Social Services, it is not acceptable to consume any alcohol during the working day. Managers must provide employees with details of local arrangements.
- 17.4. Prescribed drugs may be taken on the condition that they do not interfere with service delivery. If an employee is taking prescribed drugs that may affect their behaviour and/or their performance they should inform their line manager, who will take a view on their attendance at work.

18. Working with Money and making Financial Claims

- 18.1. Employees receiving or responsible for public money need to take particular care. Monies collected on behalf of the Council must be banked them or otherwise passed to responsible officers without undue delay.

18.2. All processes and procedures laid down for the management of the Council's financial affairs must be followed, including Financial Regulations, Standing Orders and the Council's Anti-Fraud and Anti-Corruption Policy.

18.3. Claims submitted to the Council for reimbursement of expenditure or for legitimate allowances, the correct procedures must be followed and details of the claim are within set limits, are correct and can be substantiated.

19. Working Safely

19.1. The Council and its employees have statutory responsibilities for ensuring that a healthy and safe working environment is maintained. These are set out in the Council's Health and Safety Policy.

19.2. Actions or omissions of any individual that place others in danger may lead to disciplinary action.

19.3. Employees are expected to:

- adhere to the Council's Health and Safety Policy and the safety rules relating to their particular service;
- make known to their manager any unsafe situations or practices that they become aware of;
- take appropriate steps to ensure the health and safety of other employees and any other users of the Council's premises;
- wear any safety clothing and use any safety equipment provided for work;
- report promptly any injuries, accidents or near misses suffered at work;
- report incidents of abusive/aggressive or bullying/threatening behaviour experienced by the employee or they come into contact with during their work;
- tell their manager if they are taking any medications that could affect their ability to work safely;
- comply with hygiene requirements.

20. Protecting the Council and its Standards

20.1. The Council needs its employees help to ensure that West Berkshire can continue to be a fair and equitable provider of services, a safe and rewarding place to work and a local authority with the highest standards and reputation. It recognises that employees are often the first to know when things are going wrong in the Council's operations.

20.2. However, there may be reasons why employees are reluctant to draw attention to their concerns e.g. they feel that reporting on colleagues, managers or elected Members is disloyal, they are worried that they may not be believed, or they are afraid of possible victimisation or future disadvantage.

20.3. The Council values employees and others who are prepared to acknowledge when things are not right and to bring such matters to the attention of others that can deal with them. Only by encouraging those people to report inappropriate or unlawful conduct can the Council protect its reputation and maintain its high standards.

- 20.4. Improper or unlawful conduct can cover a wide range including financial irregularity; abuse of clients; abuse of power or position; neglect of duty; sexual or racial discrimination; bullying or harassment.
- 20.5. If an employee detects or has reason to suspect that colleagues, managers or elected Members are acting improperly, the Council has a reporting process that can be followed without fear of victimisation, discrimination or disadvantage. The process is set out in the Council's Whistleblowing Policy.

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Internal Audit Interim Report 2017/18 - Summary Report

Committee considering report:	Governance and Ethics Committee
Date of Committee:	05 February 2018
Portfolio Member:	Councillor Graham Bridgman
Date Portfolio Member agreed report:	
Report Author:	Ian Priestley
Forward Plan Ref:	GE3258

1. Purpose of the Report

- 1.1 To update the Committee on the outcome of internal audit work carried out during the first half of 2017-18.
- 1.2 The Public Sector Internal Audit Standards, as adapted by CIPFA's "Local Government Application Note" requires the Chief Internal Auditor to make a formal report annually to the Council in order to present an opinion of the Council's internal control framework.
- 1.3 In addition to the formal annual report the Chief Internal Auditor provides an interim report to the organisation in the course of the year. The interim report aims to address emerging issues in respect of the whole range of areas to be covered in the formal annual report. This report provides an interim view looking at the first 6 months of the year.

2. Recommendation

- 2.1 To note the report.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 None

Executive Summary

5. Introduction / Background

5.1 A summary of the internal audit work that is currently underway is at appendix B. Details of completed work is at appendix C.

5.2 The following table summarises the results of the audit work where an opinion was given.

Type	Very weak	Weak	Satisfactory	Well Controlled	Very Well Controlled
Key Financial Systems				1	
Other systems	2	1	2	2	

5.3 Details of the audits that were rated as weak / very weak are outlined below with an update for the relevant Head of Service.

- (1) Property database – Finance and Property Service, assessed as very weak.

Internal Audit concluded that the system is not being used as intended and the Service continues to rely on spreadsheets to hold key information. The following issues were identified:

- (a) The project was implemented using the Council's Project Management Methodology. Phase 1 of the project was signed off as complete, although the system had not been fully implemented across the whole of Property Services which had been the intention. This indicates there was a lack of a robust challenge on the outcomes of Phase 1 by the project sponsor and the I.T. Programme Board.
- (b) The key aim for the new Property Database was that it would provide comprehensive data to be able to be an effective tool to manage the Council's Property portfolio. The system is not being utilised and therefore the key aim of the system implementation has not been met
- (c) There was no closure report prepared for Phase 2 (this provided enhancements to the system) of the project.
- (d) The system is not being used to record all types of property data as stated in the original specification, nor is it being kept up to date with the data types that should be recorded.
- (e) The system is not being used to produce reports.
- (f) The system has not been rolled out across other services/teams as extensively as had been originally specified.

- (g) There is no System Administrator in post to manage the use of the system.
- (h) There has been limited support/training available to users of the system.

The Head of Finance and Property comments – to progress with both the recommended actions of the audit and the long term ongoing tasks associated with the management of property data on the database, a dedicated resource has been allocated from within the current Property Team establishment (currently being recruited to following the post holder leaving WBC employment). Recent activities to address audit recommendations includes achieving formal closure of Project2, refreshing or uploading of new asset site data (in the region of 400 records), uploading the backlog and new data regarding asbestos (90% complete) and commencement of uploading data on building condition, fire safety and legionella data.

- (2) Asset Management Strategy – Finance and Property Service, assessed as very weak.

Internal Audit found that the Council has established a corporate Asset Management Strategy for property assets, however,

- (a) The document is very brief, and only gives high level statements of its aims and objectives.
- (b) There are no 'plans' developed stating how the strategy is to be implemented. There are more detailed Asset Management Plans prepared in specific services, for example Education, however, there are no linkages in the preparation of these service plans with the corporate approach, which therefore leads to a silo approach to managing assets.
- (c) There isn't an established asset management performance framework, setting out corporate expectations of the Council's asset portfolio, or setting targets against which to measure the performance, and be able to flag up any issues of under performance so corrective action can be taken.
- (d) There are governance arrangements in place, with the Asset Management Group (AMG) having been set up to oversee the implementation of the Asset Strategy. The AMG is a subgroup of the Capital Strategy Group.
- (e) Asset reviews are undertaken which RAG rate assets according to how they meet strategic priorities, a property disposal plan is produced for those assets rated as red. Updates on progress are provided to the AMG for information and discussion. These reviews do not encompass the utilisation/running and maintenance costs of building, and therefore the approach is a very high level overview of the use of the Council's property portfolio.

The Head of Finance and Property comments - a new Asset Management Strategy document has been drafted, following good practice guidance, for

inclusion in the refresh of the Capital Programme. This strategy document conveys the relevant elements of the WBC built and land assets and an action plan to review the estate to ensure the estate is operated efficiently and to manage the estate including any surplus assets.

- (3) Home to school transport – Head of Transport and Countryside, assessed as weak. Internal audit noted:
- (a) There is a standard contract template in place with service providers and details of each contract are held on Routewise (schools transport management system). We did not identify any issues with the Team's day to day processing of requests for transport to be arranged, and effective processes are in place to check the accuracy of the provider invoices.
 - (b) Contracts are being reviewed and re let as and when the service considers it necessary, rather than following a programme of reviews, which has resulted in some contracts not being re let for quite a number of years. We were informed that there is a timetable for the contracts to be re let, but the team are awaiting a new corporate procurement system, as a compensating process, each year contracts are reviewed to determine if they still seem reasonably priced and working well.
 - (c) We found that the service has not determined and documented its actual approach to monitoring the provider contracts. For some aspects of the contract, there are processes for monitoring compliance with the terms and conditions i.e. DBS driver / escort checks and insurances. There are a number of other areas where the monitoring arrangements have not been established, such as ensuring that operators are complying with Health and Safety legislation and vehicle standards. The contract includes areas of non performance / defaults, however we found that the system of issuing/monitoring default notices has not been fully developed and is not linked into default points or penalties.
 - (d) At the draft discussion stage, we were informed that things have moved on considerably since the audit commenced and many of the contractual issues have been addressed by the employment of the new Transport Quality Officer in November 2016.

The Head of Transport and Countryside comments - this audit was carried out in 2015/16 and the situation has moved on since then, particularly since the new post of Transport Quality Officer was funded and appointed in late 2016. Another key issue is the absence of a corporate Dynamic Purchasing System, although this has now been approved and should be in place for the start of 2018/19. It should also be noted that the majority of activities audited were rated as Well Controlled or Satisfactory, but the small number of Weak ratings resulted in Home to School Transport being rated as weak overall'.

5.4 The following summarises the results of follow up audits.

Type	Unsatisfactory	Satisfactory
Key Financial Systems		
Other systems		1

6. Proposal

6.1 Note the results of the work carried out.

7. Conclusion

7.1 No fundamental weaknesses were identified in the Council’s internal control framework through the work carried out by internal audit. However, as noted in previous reports to the Committee, levels of assurance work being carried out are much reduced, and yet there are a higher than usual number of audits rated as weak. This situation will need monitoring to determine whether this is an exception, or a worrying trend.

8. Appendices

8.1 Appendix A – Equalities Impact Assessment

8.2 Appendix B – Audit work underway

8.3 Appendix C – Audit work completed

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Not going to the Exec
Summary of relevant legislation:	None
Does the proposed decision conflict with any of the Council's key strategy priorities?	No decision
Name of assessor:	Ian Priestley
Date of assessment:	15.1.18

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes/No
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	
Objectives:	
Outcomes:	
Benefits:	

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes/No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes/No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date:

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

8.4

1) CURRENT AUDITS

Directorate/Service	Audit Title	Current Position of Work	Audit Plan Year
Corporate	National Fraud Initiative	Undertaking reviews for the 16/17 exercise	2017/18
Resources			
ICT and Customer Services	Change Control Management	Draft Issued	2016/17
Strategic Support	Electoral Services	Draft issued	2016/17
Finance & Property	General Ledger	Testing	2017/18
Finance & Property	Accounts Payable	Being Reviewed	2017/18
Human Resources	IR35	Draft Issued	2017/18
Finance and Property	Income collection/recording processes	Draft issued	2017/18
Finance and Property	Procurement Cards	Background	2017/18
Finance/Strategic Support	Business Improvement Levy	Background	2017/18
Human Resources	Apprenticeship Levy	Background	2017/18

Communities			
Education	Education Capital Programme	Draft Issued	2016/17
Children & Family Services	Guardianship/Residence Orders	Draft issued	2016/17
Adult Social Care	Client Charging	Draft Issued	2016/17
Children & Family Services	Turnaround Families Programme – testing of grant claims	Ongoing testing of claims	2017/18
Adult Social Care	Direct Payments, E-payment cards scheme.	Background	2017/18
Education	Safeguarding in Schools	Background	2017/18

Environment			
Transport & Countryside	Parking	Testing	2017/18
Public Protection & Culture	Leisure Centre Contract Management	Ready for review	2017/18

2) CURRENT ADVISORY REVIEWS/OTHER WORK

Directorate/Service	Audit Title	Current position of work
Communities	CareDirector System	Audit Manager undertaking an advisory role in the implementation of the new system

3) CURRENT FOLLOW-UPS

Directorate/Service	Audit title
Corporate	
Resources	
Strategic Support/ICT & Customer Services	Management of Archive Storage
Communities	
Children & Family Services	Section 17 Support
Environment	

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1) Completed Audits

Directorate/Service	Audit Title	Date Audit finalised	Overall Opinion
Resources			
Finance and Property	Accounts Receivable	24/04/17	Well Controlled
Finance and Property	Asset Management Strategy	25/05/17	Very Weak
Customer Services and ICT	Cost Effectiveness of the Council's Utilisation of Telecommunications	20/07/17	N/A – Cost Effectiveness review
Finance and Property	Asset Project Management	13/09/17	Satisfactory
Finance and Property	Property Database	11/09/17	Very Weak
Communities			
Adult Social Care	Direct Payment process issues	09/08/17	Advisory piece of work

Environment			
Development and Planning	Disabled Facilities Grants	25/04/17	Well Controlled
Transport and Countryside	Home to School Transport	07/06/17	Weak
Public Protection and Culture	Shaw House	01/06/17	Well Controlled
Public Protection and Culture	Museum	30/06/17	Satisfactory

NOTE

The overall opinion is derived from the number/significance of recommendations together with using professional judgement. The Auditor's judgement takes into account the depth of coverage of the review (which could result in more issues being identified) together with the size/complexity of the system being reviewed.

3) COMPLETED FOLLOW-UPS

<u>Directorate/ Service</u>	<u>Audit Title</u>	<u>Date follow up finalised</u>	<u>Overall Opinion of Report</u>	<u>Opinion – implementation progress</u>
Resources				
Finance and Property	Insurance Claims Management	20/06/17	Satisfactory	Satisfactory
Communities				
Environment				