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Standards Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Tuesday, 7 May 2013.

Barry Quirk, Chief Executive
April 26 2013

Councillor Obajimi Adefiranye	Gill Butler
Councillor Duwayne Brooks	Matthew Hill
Councillor Julia Fletcher	David Roper-Newman
Councillor Alan Hall	Cathy Sullivan
Councillor Ami Ibitson	Lesley Thomas
Councillor Stella Jeffrey	Hannah Le Vay
Councillor Helen Klier	
Councillor Jim Mallory	
Councillor Pauline Morrison	
Councillor Sam Owolabi-Oluyole	

Standards Committee Agenda

Tuesday, 7 May 2013

6.00 pm, Committee Room 2 - Civic Suite

Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Troy Robinson 0208 3149365 (Tel: 020 8314 9365)

Part 1

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Agenda Item 1

STANDARDS COMMITTEE		
Report Title	ELECTION OF CHAIR AND VICE CHAIR	
Key Decision		Item No. 1
Ward		
Contributors		
Class	Part 1	Date: 7 May 2013

Recommendation

To elect Councillors as Chair and Vice Chair of the Committee for the municipal year 2013/14

STANDARDS COMMITTEE		
Report Title	Declarations of Interests	
Key Decision	No	Item No. 2
Ward	n/a	
Contributors	Chief Executive	
Class	Part 1	Date: May 7 2013

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.

- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes , or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members’ Interests (for example a matter concerning the closure of a school at which a Member’s child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Agenda Item 3

STANDARDS COMMITTEE		
Report Title	MINUTES	
Key Decision		Item No. 3
Ward		
Contributors		
Class	Part 1	Date: 7 May 2013

Recommendations

It is recommended that the Minutes of the meeting of the Committee , which was open to the press and public held on 13 December 2012 be confirmed and signed (copy attached).

LONDON BOROUGH OF LEWISHAM

Minutes of the meeting of the STANDARDS COMMITTEE which was open to the press and public, held at LEWISHAM TOWN HALL, CATFORD, SE6 4RU on THURSDAY 13 DECEMBER 2012 at 7:00 p.m.

Present

Independent members: Hannah Le Vey, David Roper-Newman and Leslie Thomas.

Councillors Jim Mallory (Chair), Duwayne Brooks, Alan Hall, Helen Klier, and Pauline Morrison.

Apologies for absence were received from Councillor Maslin and from Cathy Sullivan and Gill Butler.

Also Present

Sally Hawkins,

Minute
No.

Action

1

ELECTION OF CHAIR AND VICE CHAIR

Councillor Mallory observed that owing to statutory changes, this would be the first meeting of the Standards Committee chaired by an elected member. He said despite the enforced changes Independent Members would continue to be regarded as equals, playing a full part in the work of the Committee. He paid tribute to the outgoing Chair, Sally Hawkins, who was present as an observer. He noted she would maintain her involvement with the Council by serving as the Independent person in the Complaints Procedure.

RESOLVED That Councillor Mallory be appointed as the chair for the remainder of the municipal year and that Councillor Morrison be appointed as vice chair for the remainder the municipal year

2

MINUTES

RESOLVED That the minutes of the meeting held on June 6 2012 be approved as a correct record and signed by the Chair.

<u>Minute No.</u>		<u>Action</u>
3	<u>DECLARATIONS OF INTEREST</u> None were declared	
4	<u>APPOINTMENT TO SUB COMMITTEES OF STANDARDS COMMITTEE</u> RESOLVED That (i) Councillors Daby, Fletcher, Klier, Hall and Ibitson and Leslie Thomas, Gill Butler and Matthew Hill be members of Standards Sub Committee A. (ii) Councillors Brooks, Jeffrey, Mallory, Maslin and Morrison and Cathy Sullivan, David Roper-Newman and Hannah Le Vey be members of Standards Sub Committee B. (iii) the remit of both Sub Committees be identical as set out in Appendix 1 to the report.	
5	<u>INTRODUCTION TO THE ETHICAL FRAMEWORK IN LEWISHAM</u>	
5.1	Kath Nicholson, Head of Law and Monitoring Officer made a presentation on the ethical framework in Lewisham following which she invited members to ask questions and to comment on any training needs required.	
5.2	Councillor Hall asked how breaches of the Officer Code of conduct were treated and was informed these were disciplinary matters. He asked how any overview of such breaches was taken and the Head of Law believed this would form part of the Management Report but that she would confirm this after the meeting.	Head of Law
5.3	The Chair suggested new Councillors elected in 2014 should be required to undergo ethical training and that the Committee should consider this further prior to the 2014 election.	

<u>Minute No.</u>		<u>Action</u>
5.4	Councillor Hall asked for a report reviewing how other local authorities have embedded their Standards regime to be presented in the autumn of 2013.	Head of Law
	RESOLVED That a review of training needs for members be added to the Work Programme	
6	<u>COMPLIANCE WITH THE MEMBER CODE OF CONDUCT</u>	
	Kath Nicholson, Head of Law and Monitoring Officer presented the item and the Committee noted the continued effectiveness of the Code of Conduct.	
	RESOLVED That no revisions be notified to the Council regarding the Code of Conduct.	
7	<u>WORK PROGRAMME</u>	
7.1	Kath Nicholson, Head of Law and Monitoring Officer presented the item and invited the Committee to comment.	
7.2	The Chair identified a review of the implementation of the Code of Conduct and training needs for members generally as useful additions to the work programme.	
	RESOLVED That the Work Programme shown in paragraph 3.3 of the report be agreed subject to the inclusion of the revisions suggested by the Chair.	
8.	<u>ANNUAL COMPLAINTS REPORT</u>	
8.1	Peter Gasden the Head of Strategy & Performance in the Customer Services Directorate presented the report.	
8.2	The Chair noted the report had already been rigorously scrutinised by the Public Accounts Select Committee.	
8.3	Mr Roper Newman congratulated the Council on being able to see a reduction in the number of complaints made at a time of austerity when many services were the subject of reductions.	

Minute
No.

Action

The Committee debated the role of the Independent Adjudicator and concluded the role added value to the process.

RESOLVED That the report be received and that no revisions be suggested to the council's complaints policy.

The meeting ended at 8.28pm

Agenda Item 5

STANDARDS COMMITTEE		
Report Title	Appointment to Sub Committees of Standards Committee	
Key Decision		Item No
Ward	N/A	
Contributors	Head of Law	
Class	Part 1	Date 7 May 2013

1 Summary

This report makes proposals for the appointment of two sub committees of the Standards Committee to handle complaints of breach of the Member Code of Conduct and appeals.

2 Recommendation

- 2.1 To appoint Gill Butler, Leslie Thomas and Matthew Hill and five councillors to be members of the Standards Sub Committee A.
- 2.2 To appoint Cathy Sullivan, David Roper Newman and Hannah Le Vey and five councillors to be members of Standards Sub Committee B
- 2.3 That the remit of both sub committees should be identical, in the terms set out in Appendix 1 to this report.

3 Background

- 3.1 Following changes in the law relating to the ethical framework introduced by the Localism Act 2011, the Council has adopted a new Member Code of Conduct and a procedure for handling complaints under it.
- 3.2 The procedure provides for initial investigation by the Monitoring Officer or by someone nominated by her. If following that investigation the Monitoring Officer proposes that action be taken against the member concerned, the procedure provides for the Monitoring Officer's report, any response by the member and the views of the Council's Independent Person to be presented to a sub committee of the Standards Committee for decision as to finding and, if appropriate, sanction. A member aggrieved by the decision of this sub committee has a right of appeal under the procedure.
- 3.3 To ensure that the procedure is seen to be fair and to accord with natural justice, as well as the right to a fair hearing under Article 6 of the European Convention on Human Rights, it is advisable for the membership of these two committees to be entirely separate, so that any sub committee hearing an appeal might come to the matter without any previous consideration of it.

- 3.4 It is proposed that the sub committees should both be capable of performing both roles (initial decision and appeal) but that in any particular case they should only perform one of those functions.
- 3.5 Whereas in the past, regulations allowed independent members of Standards Committee to vote, those special provisions have been abolished and so there is a requirement for the sub committees to have a sufficiently large membership to satisfy quorum requirements. The quorum will be three councillors. Co-optees in law do not go to make up the quorum, but past practice in Lewisham has been to encourage the fullest participation by independent members of the Standards Committee and it is anticipated that the valued contribution of independent members will continue and be much appreciated.

4 The proposed sub committees

- 4.1 There are 16 members of the Standards Committee in Lewisham. Ten are councillors and six are independent co-optees. It is suggested that there be two sub committees, A and B, each consisting of three independent members and five councillors. Each must be chaired by an elected councillor. The sub committees should be politically balanced.

5. Legal and other implications

- 5.1 These are generally set out in the body of the report.
- 5.2 It is permissible for the Committee to appoint sub committees though the special provisions for Standards Committees allowing non elected members of the Committee to vote no longer pertain.
- 5.3 There are no further financial, equalities, environmental, health, or crime and disorder implications.

Contact Kath Nicholson, Head of Law and Monitoring Officer 0208 314 7648

Proposed Terms of Reference of Standards Sub Committees A and B

1. In relation to complaints of breach of the Lewisham Member Code of Conduct, to do all things it considers necessary to consider the report of the Monitoring Officer, representations of the member concerned if made, and the views of the Independent Person in accordance with the procedure in force from time to time for the handling of complaints of the Member Code of Conduct, and to make a finding as to whether a breach of the Code has occurred.
2. To impose such sanctions as are lawfully available to the Sub Committee in respect of any breach including, but not limited to, censure, referral to full Council, withdrawal of facilities where lawful and appropriate, and/or publicity.
3. To consider appeals against the findings made and/or sanctions imposed by a Standards Sub Committee in respect of a complaint of breach of the Member Code of Conduct
4. To do all things, which in the opinion of the Sub Committee are necessary to give effect to the above terms of reference.

Standards Committee			
Title	Review of Local Code of Corporate Governance 2012/13		
Wards	All		
Contributors	Head of Law		
Class	Open	Date	7 May 2013

1. Summary

- 1.1 In December 2002, the Standards Committee considered and endorsed a Local Code of Corporate Governance for the London Borough of Lewisham. The Local Code is detailed at Appendix 1 on page 6. Compliance with this code is subject to regular review, the last of which was reported in June 2012. Compliance with the Local Code has again been reviewed (see Appendix 2 on page 12); the review has found that the Council is compliant with the Local Code.

2. Purpose

- 2.1 To report the results of the annual review of compliance with the Local Code of Corporate Governance. The results of the review appear at Appendix 2 starting on page 12.

3. Recommendations

- 3.1 Members of the Standards Committee are asked to consider and endorse the outcomes of the review.
- 3.2 Section C - Fundamental Principles of this Code, be updated to include all nine Protected Characteristics covered by the Equality Act 2010;
- 3.3 Section K - Partnership Governance of this Code, be updated to include the membership and responsibilities of the Health and Wellbeing Board as defined by the Health and Social Care Act 2012.

4. Background

- 4.1 In 2002 CIPFA/SOLACE promoted a Code of Corporate Governance to local authorities. This Code included five dimensions:
- Community Focus
 - Service Delivery Arrangements
 - Structures and Processes
 - Risk Management and Internal Control
 - Standards of Conduct
- 4.2 Councils were advised to include particular features under each of the above dimensions in their Local Codes. A detailed review of Lewisham's compliance against the Local Code appears in Appendix 2 on page 12.

5. Review of compliance with the Local Code of Corporate Governance

- 5.1 In 2007, CIPFA / SOLACE revised their original national Code of Corporate Governance to build on recent governance work in both the public and private sector. The new framework consists of six key principles.
- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
 - Members and officers working together to achieve a common purpose with clearly defined functions and roles
 - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
 - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
 - Developing the capacity and capability of members and officers to be effective
 - Engaging with local people and other stakeholders to ensure robust public accountability
- 5.2 In June 2012 the Standards Committee received a review of compliance with the Local Code of Corporate Governance. This year compliance has been reviewed again. The process for doing so has been to revisit the

findings of last year and to test those with relevant officers across the Council. External evidence of compliance, particularly that obtained from the Audit Commission and Ofsted, is referenced where applicable.

- 5.3 The review has found that, as last year, the Council is compliant with the Local Code of Corporate Governance.

6 Training

6.1 The Local Code of Corporate Governance states that 'training will be provided for both officers and members in order to assist them to develop the skills and knowledge necessary to fulfil their roles and responsibilities.'

6.2 The Head of Law has provided training to members and officers on the following:

- All Party Briefing on the Localism Act 2011 (April 2012)
- All Party Briefing on New Code of Conduct (July 2012)
- Constitutional Working Party – Changes to the Constitution (Sept 2012)
- Access to Information Regulations (Sept 2012)
- Implications of the local By-Election (Oct 2012)
- All Party Briefing on the Transfer of Health Function (Nov 2012)
- Full Council Briefing on the Annual Report of the Standards Committee 2012/13 (March 2013)

6.3 During 2013/14 the Standards Committee will review the Member Development Programme in preparation for any new administration following the local elections in 2014.

7 Review

7.1 The Local Code of Corporate Governance requires that compliance with the code be monitored annually.

8 Legal Implications

8.1 There are no specific legal or financial implications

9 Equalities Implications

9.1 Public bodies such as local authorities are legally required to consider the three aims of the Public Sector Equality Duty (set out in the Equality Act 2010) and document their thinking as part of any decision-making processes. The Act sets out that public bodies must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic; and
- foster good relationships between those who share a protected characteristic and those who do not share that characteristic.

The following equalities characteristics are 'protected' from unlawful discrimination in service provision under the Equality Act 2010: age; disability; gender; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; gender; and sexual orientation.

The Equality and Human Rights Commission (EHRC) have issued [technical guidance](#) for public authorities in England on the Public Sector Equality Duty. This technical guidance explains the three aims of the Public Sector Equality Duty, outlines the requirements of the Equality Act 2010 and the specific duty regulations and provides practical approaches to complying with the Public Sector Equality Duty. This document provides an authoritative, comprehensive and technical guide to the detail of the law. The EHRC technical guidance is not a statutory Code, but may be used as evidence in legal proceedings. Showing that the guidance has been followed - or being able to explain why it was not - will be relevant in demonstrating compliance with the Public Sector Equality Duty.

9.2 Equalities issues are key to the Local Code of Corporate Governance. The council and its partners strive to promote equality of opportunity for all and eliminate discrimination. Good governance arrangements will help to ensure that the practices of the Council are open and accessible for all. These values are at the heart of Lewisham's Local Code of Corporate

Governance and are specifically detailed in Section H: Accountability and Community Focus.

10 Environmental

- 10.1 The revised national CIPFA/SOLACE governance frameworks suggests that council's measure the environmental impact of policies, plans and decisions. It is best practice that all committee reports include an environmental implications section.

11 Community Safety

- 11.1 There are no specific Community Safety Implications.

DRAFT

Code of Corporate Governance

A What is a Code of Corporate Governance?

A Code of Corporate Governance might be defined as a statement of the system by which a local authority directs and controls the exercise of its functions and relates to the local community. This definition is founded on that used in the Cadbury Report on the Financial Aspects of Corporate Governance which related to the governance of private companies. However it also recognises the key role of local government in community leadership, by placing emphasis on relationships with local people.

B The Purpose of a Code of Corporate Governance

Aspects of corporate governance find expression in the everyday practices and procedures of a local authority. However an overarching Code of Corporate Governance fulfils the following purposes:-

- It stimulates confidence in the activities of local government, its politicians and employees, and the way it goes about business
- It focuses the minds of those involved in local government on making decisions in a proper way and engaging local stakeholders
- It assists with continuous improvement in the delivery of services, and serves to minimise the authority's exposure to risk.

C Fundamental principles

Cadbury identified three fundamental principles for corporate governance. They are:-

- Openness
- Integrity
- Accountability

These are as relevant in the public sector as the private – possibly more so. These fundamental principles were expanded by the Nolan Committee on Standards in Public Life, and further strengthened as the guiding principles underpinning the statutory model code of conduct for members. These principles are readily accepted by the Council as underpinning all local government activity. They appear as an Appendix to the Council's Member Code of Conduct but are endorsed as applicable to all Council activity.

They are:-

- Selflessness - members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person
- Honest and integrity - members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- Objectivity - members should make decisions on merit, including when making appointments, awarding contract, or recommending individuals for rewards or benefits
- Accountability - members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office
- Openness - member should be as open as possible about their actions and should be prepared to give reasons for them
- Personal Judgement - members must take account of the views of others (and this may include their political groups) but should reach their own conclusions on the issues before them and act in accordance with those conclusions
- Respect for Others - members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief and sexual orientation. They should respect the integrity and impartiality of the authority's statutory officers, and its other employees and not do anything to compromise that impartiality
- Duty to uphold the law - members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them
- Stewardship - members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law
- Leadership - members should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.

D The decision making process

Decisions will be taken in accordance with the following:-

- a) the decision will be made following an evaluation of options
- b) the decision maker will take professional advice (including financial and legal advice where the decision may have legal and/or financial consequences)
- c) the decision will be taken following a consideration of all relevant matters and disregarding irrelevancies
- d) reasons for the decision will be recorded as will details of options considered with reasons for their rejection
- e) action taken will be proportionate to the result to be achieved
- f) respect for human rights will be balanced with the Council's duty to the wider community
- g) a presumption in favour of openness, unless there are compelling lawful reasons preventing the consideration of matters in public
- h) consultation appropriate to the matter under consideration
- i) clarity of aims and desired outcomes
- j) the highest standards of ethical conduct, avoiding actual, potential and perceived conflicts of interest
- k) consideration of business by Council members will be on the basis of written reports containing all relevant service, corporate, legal and financial considerations
- l) all executive decisions may be subject to scrutiny by the Overview and Scrutiny Committee in accordance with the Council's constitution
- m) decisions will be taken in accordance with the Council or Mayoral Scheme of Delegation as appropriate, and these schemes will be maintained, kept up to date and made available to the public

E Ethics

1. The Council will maintain and promote a Member Code of Conduct, which complies in all respects with all legal requirements.
2. The Council will maintain an Employee Code of Conduct, which complies with all legal requirements and promotes the highest standards of behaviour among employees.
3. Training will be provided for members and staff on the operation of the Codes of Conduct.
4. The Council will maintain a Members' Register of Interests in accordance with the law, and inform members of their duty to keep it up to date.

5. Key senior staff will be requested to disclose any interests which they have, which if they were a member they would be required to disclose, and a register kept of those interests declared.
6. The Council will maintain a protocol relating to the relationship between members and staff, promoting professional and effective relations between staff and all members, whether members of the Cabinet or overview and scrutiny.
7. The Council will adopt and maintain a whistleblowing policy, which is made widely available, and will report on referrals under it each year.

F Members' roles

1. The Council will document the roles of all members of the authority including the relative roles of the Mayor and Cabinet and non-executive members of the authority. Officers will support all members in the performance of these roles.
2. Members will maintain appropriate schemes of delegation and in particular define those matters reserved for collective decision by the full Council.
3. Members will put in place clearly documented processes for policy development, implementation and review and for decision making, monitoring and control, as well as procedural and financial regulations relating to the conduct of Council business.
4. Members will recognise that although within the Council they may fulfil different roles (for example as scrutineer or member of the political Executive) the Council remains a single corporate entity and can only function effectively if there is an appropriate balance between this corporate approach and the need to ensure that executive decisions are made appropriately and scrutinised constructively.
5. As required by law, members will put in place the terms of their remuneration and arrangements for review by an Independent Remuneration Panel.
6. Each year the Council will publish details of remuneration paid to each member of the Council.

G Officers' roles

1. The Council will maintain the post of Head of Paid Service (Chief Executive - responsible for the management of the Council's workforce and overall corporate management of the authority) separate from the political executive of the authority.
2. The Council will maintain the post of Chief Finance Officer to advise on the proper administration of the Council's financial affairs, keeping proper financial records and maintaining effective systems of financial control.

3. The Council will maintain the post of Monitoring Officer who will be the person responsible to the authority for ensuring that procedure, legislation and good practice are complied with.
4. The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer shall be entitled to attend any meeting of the Council, the Mayor and Cabinet or any committee.
5. When considering any matter members must have regard to the advice of the Council's statutory officers.
6. All staff will have job descriptions which clearly define their roles, responsibilities and remuneration.
7. Council employees will support and advise all members of the Authority irrespective of whether they are executive or nonexecutive members.

H Accountability and Community Focus

1. The Council will record its decisions in writing and make those written records and the reasons for a decision available to the public.
2. All decisions made by the Mayor or delegated by him will be available for scrutiny by the overview and scrutiny committee in accordance with the Council's constitution.
3. The Mayor, members of the Cabinet and Executive Directors may be required to give account for their performance to the relevant overview and scrutiny committee.
4. The Council will publish annual performance targets and report on performance against those targets annually.
5. The Council will adopt a performance management framework to analyse key performance indicators and make information about performance against those indicators publicly available periodically.
6. The Council will put in place mechanisms to encourage participation in the affairs of the Council by individuals and groups from a broad cross section of the community, and will monitor their effectiveness.
7. In consultation with the local community will develop a vision for the local community and other stakeholders and will ensure that that vision is expressed clearly and publicised.
8. The Council will co-operate fully with external inspectors and respond positively to their findings, making arrangements to implement agreed actions effectively.

I Financial matters

In addition to those financial matters raised elsewhere in this [draft] code, the Council will:-

1. Put in place a process by which resources are allocated to priorities
2. Adopt a financial reporting process to ensure that members receive financial monitoring reports at appropriate intervals
3. Maintain an objective and professional relationship with external auditors
4. Publish an annual statement of accounts in a timely manner

J Risk Management

1. The Council will put in place a robust system for identifying and evaluating significant risks to the authority
2. The Council will put in place effective risk management systems, including systems of internal control as well as effective arrangements for an objective review of risk management and internal control
3. Annually the Council will publish an objective balanced and understandable statement and assessment of the authority's risk management mechanisms and their effectiveness.

K Partnership Governance

The Council will ensure that it has robust and effective mechanisms to ensure that its partnerships are effectively grounded, and that the risks involved in partnership working are accurately identified and appropriately managed.

L Review

The Council will monitor compliance with this Code annually. The Head of Paid Service, Chief Finance Officer and the Monitoring Officer will present a joint report to the Standards Committee on the extent of compliance, and the Council's annual statement of accounts will contain a statement explaining the extent of compliance. The officers will also present any proposals for amendment to the Code for consideration.

Review of the Local Code of Corporate Governance 2012/13

Sections (a) and (b) relate to the definition and purpose of the local code.

SECTION C: Fundamental principles

Cadbury identified three fundamental principles for corporate governance. They are:

- Openness
- Integrity
- Accountability

The Nolan principles are readily accepted by the Council as underpinning all local government activity. They are a key part of the new local Code of Conduct for Members which is detailed at Part V of [the Constitution](#). The Council introduced this Code under Section 28 of the Localism Act 2011 which specified statutory elements to be incorporated in the Code. Section 28 of the Localism Act 2011 requires an authority's Code of Conduct for Members to be consistent with the Seven Principles of Public Life set out in the First Report of the Nolan Committee on Standards in Public Life. Its purpose is to promote the highest [ethical standards](#) of conduct from all Members of the Council.

Our long-standing and continued organisational commitment to embedding these principles is demonstrated by the findings of external assessors over a number of years.

Section D
Decision making

SECTION D. Decision making

National Code Dimension: 1.7, 2.3, 3.6, 3.7, 4.2, 4.6, 4.7, 4.12

Members follow the required formal procedures when making Council decisions, which ensure that such decisions are made transparently and openly. There is an annual programme of regular meetings whereby formal decisions are taken. Committee reports are produced by Officers in a standard format to ensure that authors address all significant considerations such as the service, corporate, legal and financial implications of decisions, equalities issues, environmental issues and risk assessment. Every committee agenda includes as a standard item a section on declarations of interest by committee members which sets out the legal position in relation to the need to declare, and on occasion, withdraw from discussion of matters where the member has a personal or prejudicial interest.

The highest standards of ethical conduct are adhered to in order to avoid actual, potential and perceived conflicts of interest Members and Officers Code of Conduct. The principles of decision making appear as Article 16 within the [Constitution](#). Standards Committee receives a report on Member compliance with the Code of Conduct. In December 2012 the Standards Committee reported that there has been good compliance with the Member Code of Conduct, as existing until the end of June 2012.

Decisions are taken in accordance with the Council and Mayoral scheme of delegation as appropriate and these schemes are maintained, kept up to date and made available to the public as detailed within the Constitution (Rule D17). The Constitution states, *“within 2 working days of an Executive decision being taken it shall be published by the proper Officer at the Town Hall and sent to all Members of the Council where possible by electronic means. Decisions will also be recorded in a central register kept by the proper Officer which will be available to all Members of the Council and the public”*.

Decisions are taken in accordance with the general principles of administrative law and on the basis of professional advice at all times. Minutes are published and made widely available through the Lewisham website. All executive decisions are subject to review by Overview and Scrutiny business panel and may be called-in in accordance with the Council’s Constitution. The most recent example of a matter referred to the Mayor for reconsideration in accordance with

the call-in was the report on Housing Matters which the Mayor reconsidered on July 25 2012.

In addition to the procedural requirements stated above, three examples of the decision making process have been examined against the key principles of this dimension of the local code. The evidence indicates that the decision making process is sound, transparent and consistent with the requirements of the code.

The reports considered by Mayor and Cabinet were:

- **Thames Tideway Tunnel** [October 3 2012](#)
- **School Funding Reform** [October 24 2012](#)
- **Response to Consultation on TSA Draft Report** [December 10 2012](#)

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Section E
Ethics

SECTION E: ETHICS

1. The Council will maintain and promote a Member Code of Conduct, which complies in all respects with all legal requirements.

National code dimension: 3.2, 3.4, 3.6, 5.1

A revised Code of Conduct for Members was formally adopted in June 2012, following detailed consideration by the Constitution Working Party, the Standards Committee and the Council and is detailed at Part V of the Constitution. The revised Code of Conduct for Members complies with the requirements of the Localism Act 2011 which sets out some common ethical requirements for every local authority Code but also gives wide discretion to each local authority to formulate its own code to meet the needs of local circumstances and sets out the standards of conduct expected of all Members of the Council. It is written to support the Council's commitment to organisational integrity. Lewisham's Code is designed not only to ensure compliance with the new law but to maintain the Council's long held commitment to the highest standards of behaviour in local government. The measures set out in the Code are intended both to promote public confidence in local governance, to simplify the requirements of the ethical framework and to reduce the bureaucracy involved in handling complaints of breach of the member code of conduct.

This Code and its protocols are designed to promote public confidence in the actions of Members and employees. These documents encourage Members and Officers not only to avoid actual impropriety but at all times to avoid the suspicion or appearance of improper conduct. Members are required not to do anything that they could not justify to the public and to bear in mind that they serve the whole community. The Code represents the standard against which the conduct of Members will be judged by the public, other Members, partners, and the Council's own Standards Committee, which has been retained by the Council even though there is no statutory compulsion to have such a body.

Every Member should make sure that they are familiar with the requirements of the law, the Council's Constitution, as well as the requirements of this Code and its guidance and protocols. All Members are required to sign a declaration that they will comply with the Code. Members should review their personal circumstances with this in mind, particularly as they change, to ensure compliance.

The Members' Code of Conduct is accessible to the public as part of the [Council's Constitution](#), and as a printed document available in public libraries.

Following the recommendations of the Audit Commission review of ethical governance (September 2005) with regards to publicising and promoting the existence of the code within the Council and the community, the following actions have been taken:

The [Code of Corporate Governance](#) and the Council's [ethical standards](#) are available on the Lewisham website. Internally, the Code of Conduct is available on the intranet. Related information is also publicly available on the website. For example, sites include information on [how the Council is governed](#) and the [comments, complaints and compliments](#) process.

Lewisham Life delivered to all households in the borough, includes Member contact details and a standing item on the Code of Conduct in the 'What's On' section of each edition of the magazine.

With reference to contracts, the Council has amended its [Code of Practice for Suppliers and Service Providers](#) to refer specifically to the Member Code of Conduct.

A new procedure for the investigation of complaints was adopted by the Council in June 2012. Allegations of breach of the Member Code of Conduct are now referred initially to the Monitoring Officer. In accordance with statutory requirements the Council has also appointed an Independent Person whose views are to be sought prior to the Standards Committee making any decision on an allegation that has been investigated. The Chair of the Standards Committee also reported to the Full Council at the AGM on [28th March 2012](#).

The Council supported the Lewisham Strategic Partnership in the development of its Code of Conduct so that this reflected joint values and the principles of governance.

SECTION E: ETHICS

2. The Council will maintain an Employee Code of Conduct, which complies with all legal requirements and promotes the highest standards of behaviour among employees.

National code dimension: 3.1, 3.2, 3.4

The Employee Code of Conduct was revised in advance of the publication of new mandatory requirements and was endorsed by the Standards Committee on the 1st December 2005. All employees are required to comply with the Code and the two protocols which accompany it. Breaches of the protocols are deemed to be breaches of the Code. Any breaches are treated seriously and are dealt with under the Council's Disciplinary procedure. This could result in dismissal from the Council's service with or without notice.

The Employee Code of Conduct is appended to the [Constitution](#) with the Member Code of Conduct.

SECTION E: ETHICS

3. Training will be provided for Members and staff on the operation of the Codes of Conduct.

National code dimension: 3.2, 5.1, 5.4

Training on the Codes of Conduct for both members and officers has been delivered by the Head of Law. A programme of further training is currently being developed in the light of changes to the Member Code of Conduct brought about by the Localism Act 2011. Members were briefed on their amended responsibilities under the code of conduct by the Head of Law at an all member briefing on the 16th of July 2012.

SECTION E: ETHICS

4. The Council will maintain a Members' Register of Interests in accordance with the law, and inform Members of their duty to keep it up to date.

National code dimension: 3.3, 3.6, 4.3

The [Member's Register of Interests](#) is updated annually and is then reviewed by the Standards Committee. In accordance with the Localism Act substantially revised declaration of interest forms were issued to all members on June 28 2012. Since 17th August 2011 individual entries for each Councillor have been displayed on the website.

The manual register is held and managed by the Head of Committee Services on behalf of the Monitoring Officer and is made available for public scrutiny upon request, at the Town Hall.

SECTION E: ETHICS

5. Key senior staff will be requested to disclose any interests which they have, which if they were a Member they would be required to disclose, and a register kept of those interests declared.

National code dimension: 3.3, 4.3

As in previous years, all officers at SMG1 salary scale and above, and all officers in the central Procurement team irrespective of grade, were required to update the register of interests annually, and these are audited as part of the Statement of Accounts process. Additionally this year the process was widened to include all officers involved across the council in procurement, commissioning and contract monitoring and interims, consultants and agency staff who were paid at an SMG equivalent level. The declarations were last updated in November 2012.

SECTION E: ETHICS

6. The Council will maintain a protocol relating to the relationship between Members and staff, promoting professional and effective relations between staff and all Members, whether Members of the Cabinet or overview and scrutiny.

National code dimension: 2.5, 2.8, 3.1, 3.2

As stated above, the Council has agreed both Member and Officer Codes of Conduct and the Member Code includes a protocol for Member / Officer relations as an appendix of the Constitution.

An academic study into ethics in the Council, conducted by researchers from Cardiff University on behalf of the Department for Communities and Local Government, has found that ethical standards are, and have long been, high.

Writing in support of an application to the LGC Corporate Governance awards, researchers from Cardiff University (September 2011) have underlined the standing of Lewisham's approach to the management of ethical standards. In their submission researchers identified that Lewisham "has achieved the goal of creating and maintaining an ethical culture – a way of operating, shared by officers and members, which appreciates and reinforces good governance as a core principle".

SECTION E: ETHICS

7. The Council will adopt and maintain a whistle blowing policy, which is made widely available, and will report on referrals under it each year.

National code dimension: 3.2, 4.9

A whistle blowing policy has been agreed, reviewed and is available on the intranet. Complaints made under the whistle blowing policy are investigated and reported by the Head of Law. On 1st March 2012 the Standards Committee received a review of complaints made under the whistle blowing policy.

Section F
Members' Roles

SECTION F: MEMBERS' ROLES

1. The Council will document the roles of all Members of the authority including the relative roles of the Mayor and Cabinet and non - executive Members of the authority. Officers will support all Members in the performance of these roles.

National code dimension: 2.1, 2.2, 2.8, 5.5, 5.6, 5.9

The Council's Constitution sets out the roles and responsibilities of Members, both generally and particularly (i.e. the Mayor, Chair of Council, the Council as a whole, the Executive, Overview and Scrutiny committees, Standards Committees etc.) This appears at Article 1 and in more detail throughout the Constitution.

For example, the Constitution specifies that the Mayor will carry out the following roles:

- a) to be the Council's principal spokesperson
- b) to give overall political direction to the Council
- c) to appoint (and dismiss) the Executive
- d) to decide on a schedule of delegation of executive functions
- e) to chair meetings of the Executive
- f) to represent the Council on external bodies that deal with Executive functions.

Officers support all Members in the performance of their roles. This includes, provision for attendance, of lawyers and financial officers at every meeting of Mayor and Cabinet to provide professional expertise, and at Overview and Scrutiny Committee as appropriate.

Member development

Lewisham has a Member Development Strategy, which incorporates the following five principles:

- Commitment to Member development
- Strategic approach to Member development
- Member learning and development plan in place
- Learning and development is effective in building capacity
- Elected Member Development promotes work life balance and citizenship

The overall aim of the Members' Development Programme is to ensure that all Members have access to the training and development opportunities they need to fulfil their responsibilities to the local community and provide clear leadership and effective scrutiny of local Council functions. Lewisham's approach to Member development will continue to evolve and be informed by Member input, evaluation of best practice and an increasingly personalised approach to Member development and support to both the Mayor and elected Councillors. Over the last year, a range of sessions have been delivered to support members in understanding the local implications of national policy and legislative changes, including briefings on Welfare Reform, Universal Credit, Social Housing Complaints and The Localism Act. An induction programme has also been delivered to members newly elected by local by-elections enabling them to understand and access all appropriate support and development to undertake their new role.

SECTION F: MEMBERS' ROLES

2. Members will maintain appropriate schemes of delegation and in particular define those matters reserved for collective decision by the full Council.

National code dimension: 2.3

The Council Scheme of Delegation and the Mayoral Scheme of Delegation are appended to the Constitution at Part VIII. They delegate all functions except those specifically reserved for Members. Those exclusions are explicit and as a result the schemes of delegation are particularly clear.

The Council has a Constitution Working Party, which keeps the Constitutional arrangements of the authority under review and makes proposals to full Council for any amendment to the Council's scheme of delegation.

The Constitution sets out which decisions are referred to Full Council. In 2012/13 reports to Council have included a New Ethical Framework, a Review of Special Responsibility Allowances, a Pay Policy Statement and a Community Covenant with the Armed Forces. The Constitution has been updated to reflect these new responsibilities.

The Constitution will be revised again in 2013 to include the transfer of Public Health to the council and the formal establishment of the Health and Well Being Board.

SECTION F: MEMBERS' ROLES

3. Members will put in place clearly documented processes for policy development, implementation and review and for decision making, monitoring and control, as well as procedural and financial regulations relating to the conduct of Council business.

National code dimension: 2.12, 4.1, 4.2, 4,7

The processes for policy development, implementation and review are specifically dealt with in the Constitution, at Part IV, section F et seq. Overview and Scrutiny Select Committees have early consideration of developing statutory policy options. For instance the Public Accounts Select Committee received and reviewed the savings proposals that would underpin the 2012/13 budget in advance of final proposals being presented by the Mayor.

Overview and Scrutiny Select Committees may scrutinise any matter within their remit and ask Members of the Mayor and Cabinet and Senior Officers to give account for their actions. Any Member of an Overview and Scrutiny Committee may place an item on its agenda. This is codified in the Constitution, in Article 6.

Part IV of the constitution sets out the procedures and rules for decision making, monitoring and control. Decisions are publicised within two days of being made. All Executive decisions may be considered by the Council's Overview and Scrutiny Business Panel at a meeting which may exercise the right of call-in and ask the decision maker to reconsider.

The Council's Constitution includes Financial Procedure Rules. These were reviewed at Council in June 2012. The entirety of Part IV of the Constitution is concerned with the procedural regulations applying to the conduct of Council business.

SECTION F: MEMBERS' ROLES

4. Members will recognise that although within the Council they may fulfil different roles (for example as scrutineer or Member of the political Executive) the Council remains a single corporate entity and can only function effectively if there is an appropriate balance between this corporate approach and the need to ensure that executive decisions are made appropriately and scrutinised constructively.

National code dimension: 4.1, 4.2

The constitution states that *"There are 54 Councillors who are elected to represent areas of the London Borough of Lewisham called wards. The Council also has a Mayor, who is elected by voters across the whole of the borough. Together they act as one body, the Council of the London Borough of Lewisham"* and continues to state that *"The Council acts as one corporate body"*.

The Lewisham Councillors' "role map/skills framework and role descriptors" states that all Councillors should:

- represent the interests of local people in the area they were elected to serve;
- contribute to the good governance of the authority; and
- participate effectively as a member of the full Council, any committee, panel or member body to which the councillor is appointed

All key decisions made by the Mayor are subject to scrutiny by the Overview & Scrutiny Business Panel. This body has the power to exercise call-in, which has been used three times since the 2010 election.

The Overview and Scrutiny Business Panel also refer items for discussion to the appropriate Select Committee. There are six Select Committees, each with specific terms of reference and responsibilities in terms of scrutiny. Each Select Committee also has the role of developing work programmes for each year to effectively and constructively feed the decision making process with the expertise and breadth of knowledge built up by each Committee. Support for Mayor and Cabinet and Overview & Scrutiny is provided by both Executive Directors and Heads of Service across the organisation.

SECTION F: MEMBERS' ROLES

5. As required by law, Members will put in place the terms of their remuneration and arrangements for review by an Independent Remuneration Panel

National code dimension: 2.9

In January 2010, the [Council](#) approved the appointment of London Councils as its Independent Remuneration Panel, with an element of independent advice particularised for Lewisham. Using the London Council's recommendations as a basis, the Council sought advice in June 2010 from an independent person, Sir Rodney Brooke, to assess the "fit" of these recommendations in the particular context of Lewisham's arrangements.

Although Members' Allowances have not increased, they have been amended to include childcare expenses in line with the London Living Wage.

SECTION F: MEMBERS' ROLES

6. Each year the Council will publish details of remuneration paid to each Member of the Council

National code dimension: 2.9

The members allowances scheme is attached to the [constitution as part VI](#).

The Council also publicises its Members Allowance Scheme each year in a newspaper. In June 2012, the Council published this information in The South London Press. The next publication is scheduled for June 2013.

Section G
Officers Roles

SECTION G: OFFICERS' ROLES

1. The Council will maintain the post of Head of Paid Service (Chief Executive - responsible for the management of the Council's workforce and overall corporate management of the authority) separate from the political executive of the authority.

National code dimension: 2.1, 2.2, 2.4

This requirement is addressed in the Constitution and in the job description of the Chief Executive. Article 14 of the [Constitution](#) sets out the functions of the Head of Paid Service who is also known as the Council's Chief Executive.

SECTION G: OFFICERS' ROLES

2. The Council will maintain the post of Chief Finance Officer to advise on the proper administration of the Council's financial affairs, keeping proper financial records and maintaining effective systems of financial control.

National code dimension: 2.1, 2.2, 2.6

These duties are reflected in the job description of the Executive Director for Resources & Regeneration. See Article 14 of the [Constitution](#) et seq.

SECTION G: OFFICERS' ROLES

3. The Council will maintain the post of Monitoring Officer who will be the person responsible to the authority for ensuring that procedure, legislation and good practice are complied with.

National code dimension: 2.1, 2.2, 2.7, 4.10, 4.11

This requirement is addressed in the Constitution and in the job description of the Head of Law. The Monitoring Officer has oversight of the registers of Members' interests and gifts/hospitality.

The Monitoring Officer also offers support and guidance to the Standards Committee by:

- attending committee meetings
- advising Members of the committee
- submitting reports to the committee

- contributing to the development of the work programme of the committee in close collaboration with the Chair of the Committee
- providing training and sharing best practice

See Article 14 of the Council's [Constitution](#).

SECTION G: OFFICERS' ROLES

4. The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer shall be entitled to attend any meeting of the Council, the Mayor and Cabinet or any committee.

National code dimension: 4.6, 4.7, 4.10, 4.11

This is documented within the [Constitution](#) at Rule 21. "The Head of Paid Service, Chief Finance Officer and Monitoring Officer and their nominees are entitled to attend any meeting of the Executive and its committees. The Executive may not meet unless the proper Officer has been given reasonable notice that the meeting is to take place. A private meeting of the Executive may not meet to take any decision unless the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or their nominee are present. The meeting may only take a decision if there is an officer present with responsibility for recording and publicising the decision".

SECTION G: OFFICERS' ROLES

5. When considering any matter Members must have regard to the advice of the Council's statutory Officers.

National code dimension: 4.7, 4.10, 4.11

Article 14 of the [Constitution](#) designates six posts as statutory officers. To the three corporate statutory roles this adds the Executive Director for Children and Young People, who is the statutory director for Children's Services and the Executive Director for Community Services who is the statutory director for Adult Services. The functions of all of these officers are set out in the same article. All statutory officers attend, or are represented at Council and meetings of the Mayor and Cabinet.

In November 2011, in accordance with Section 31 of the Local Democracy, Economic Development and Construction Act 2009, the Council revised the Constitution to include the appointment of an Officer responsible for the

promotion of Scrutiny within both the Council and the wider community. From April 2013 the Council will also appoint a Director for Public Health as required by section 30 of the Health and Social Care Act 2012.

The Constitution provides that decisions can only be made on the basis of full written reports incorporating service, corporate financial and legal implications. There is an agenda planning process to ensure these considerations are addressed in reports.

SECTION G: OFFICERS ROLES

6. All staff will have job descriptions which clearly define their roles, responsibilities and remuneration.

National code dimension: 2.9

Detailed job descriptions are agreed before a post is confirmed within the workforce establishment. All employees are provided with a contract of employment which clearly sets out the terms and conditions of their employment including the job role, remuneration and its review. A copy of this contract, duly signed by the employee concerned, is retained on their personal file. Job roles and responsibilities are periodically reviewed if necessary, in consultation with the employee, to meet evolving service delivery needs. Any resulting changes in job descriptions/grading/pay are clearly documented with copies placed on the personal file.

Salaries are updated annually in line with increases in pay agreed nationally and such changes are clearly documented in payroll records and/or personal files as appropriate. Any other changes in pay made outside the annual pay award are also clearly documented and retained on payroll records/personal files.

The council has produced and pays in accordance with its Pay Policy Statement as required by section 38 of the Localism Act 2011.

SECTION G: OFFICERS ROLES

7. Council employees will support and advise all Members of the Authority irrespective of whether they are executive or non-executive Members.

National code dimension: 2.2, 2.8, 4.7, 5.4

It is a Constitutional requirement that senior Council Officers support all Members regardless of their position on either the executive or scrutiny function. Article 14.4, details that the functions of the Head of Paid Service will have responsibility for the provision of professional advice to all parties in the decision making process. This is also detailed in functions of the Monitoring Officer (Article 14.5) and the Chief Finance Officer (Article 14.6).

The protocol for Member/ Officer relations, which is attached to the Codes of Conduct within the [Constitution](#), also clearly sets out the expectations of employees in terms of their support to Members.

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Section H
Accountability and Community
Focus

SECTION H: Accountability and Community Focus

1. The Council will record its decisions in writing and make those written records and the reasons for a decision available to the public.

National code dimension: 4.2, 6.6

This requirement is addressed in the Constitution. Decisions of the Mayor and Cabinet, Scrutiny Select Committees and Full Council are published on the Lewisham Website.

The Council has made an explicit commitment to openness in all its dealings, subject only to the need to preserve confidentiality in specific circumstances where it is proper and appropriate to do so. This is clearly expressed in its [Constitution](#) at Article 1, which states the Council's aims and purposes and sets out the principles of decision making. These include "a presumption in favour of openness, unless there are compelling lawful reasons preventing the consideration of matters in public".

The Constitution provides for the Mayor to make decisions in public at a meeting of the Mayor and Cabinet convened as if the meeting were taking the decision collectively. There is clear access to information provisions as set out in the Constitution at Part G, which are adhered to. These rules and the rest of the Constitution are on the Council's website, as are notices of [Council meetings](#) and decisions.

Decisions of the elected Mayor and Cabinet are informed by Officer reports which address all the issues that have to be considered in all Officer reports to the Executive or committee."

The provisions of the Freedom of Information Act 2000 are fully implemented across the organisation. A corporate team has been established to monitor and ensure compliance with this Act and all other related legislation. (Such as the Data Protection Act 1998 and the Environmental Information Regulations 2004).

Complex cases are handled by dedicated representatives within each Directorate. The Council records all feedback on the corporate complaints management and feedback system which has led to an increased ability to record, report and identify trends.

In January 2011 there was a major revision of the committee documents system and ModernGov was introduced for content management and publication of agendas and other documents. This allows for all committee documents to appear on the public website at the same time as they are sent for manual printing.

A permanent corporate information and records managers post has now been established and there is now a strategic records management policy and system in the Council (Meridio) which complies with ISO 15489, the international standard for records management and section 46, Records Management Code of Practice of Freedom of Information Act (2000).

SECTION H: Accountability and Community Focus

2. All decisions made by the Mayor or delegated by him will be available for scrutiny by the overview and scrutiny committee in accordance with the Council's Constitution.

National code dimension: 4.1

All decisions made by the Mayor may be subject to scrutiny at Overview & Scrutiny Business Panel, which meets on a regular three-weekly cycle. This body has the power to exercise 'call-in' – to refer decisions made but not yet implemented to the Mayor for consideration. This has been used three times since the 2010 election.

SECTION H: Accountability and Community Focus

3. The Mayor, Members of the Cabinet and Executive Directors may be required to give account for their performance to the relevant overview and scrutiny committee.

National code dimension: 3.5, 4.1

This requirement is addressed in the Constitution. The Council has made an explicit commitment to openness in all its dealings, subject only to the need to preserve confidentiality in specific circumstances where it is proper and appropriate to do so. This is clearly expressed in its Constitution at Article 1, which states the Council's aims and purposes and sets out the principles of decision making.

During 2012/13 the Cabinet Member for Resources and the Mayor both attended the Public Accounts Select Committee, the Cabinet Member for Customer Services and the Mayor also attended the Housing Select Committee and the Cabinet Member for Community Services and Older People attended both the Healthier Communities Select Committee and Safer Stronger Communities Select Committee to discuss and take questions on matters within their portfolios.

SECTION H: Accountability and Community Focus

4. The Council will publish performance targets and report on performance against those targets annually.

National code dimension: 1.4, 2.10, 5.7, 6.1, 6.9

Annual Report 2011-12

The Council's [Annual Report](#) provides a full year review of activities, achievements and spend (for the previous year) in relation to the Council priorities.

Monthly Management Report

The Management Report provides a monthly update of progress in meeting the Council's priorities. The Report brings together performance indicators, risk entities, finance data and information on major projects into one overarching document. The Management Report, is available on the Council website and is seen by the Mayor and Cabinet members on a quarterly basis.

With the abolition of the Audit Commission no external performance audits were done in 2012/13. However, Grant Thornton has been appointed as the new external auditor for the Council, and they will resume the auditing functions previously undertaken by the Audit Commission.

SECTION H: Accountability and Community Focus

5. The Council will adopt a performance management framework to analyse key performance indicators and make information about performance against those indicators publicly available periodically.

National code dimension: 1.5, 1.7, 2.10, 4.5, 5.7

A review of the Performance Management and Self-regulation Framework takes place at least every three years, to ensure continuous improvement of

performance arrangements. It allows for robust and structured target setting against national requirements and local priorities. It also allows the Council, its partners and residents to monitor and measure the Council's effectiveness against these national and local performance standards.

The Council has excellent reporting and governance arrangements in place to secure continuous improvement. The Management Report is the centrepiece of our performance reporting structure. It provides a clear and easy to read analysis of our performance against a basket of 57 indicators including National Indicators and local measures, and also includes an executive summary to direct attention to areas of strong performance as well as areas requiring greater management attention. It is presented monthly to the Executive Management Team and quarterly to Mayor's briefing and Mayor and Cabinet. It is produced entirely through the Council's performance management system. It utilises Red exception reporting to focus attention on key areas such as Projects, Risk, Finance and Performance. By combining these four areas for each of our corporate priorities, it functions as the critical tool for supporting decisions across the organisation. While examining this report, the Executive Management Team, Mayor and Cabinet and Public Accounts Select Committee challenge all aspects of performance.

The Management Report is published on the Lewisham website. This is supported by Directorate Management Teams, which convene performance meetings to directly monitor and address performance for which they are responsible.

Complaints

The Council's [Comments, Complaints and Compliments](#) procedure is publicised on the web.

Lewisham Life – the Council's magazine - is delivered to all households in the borough, and includes Member contact details, a standing item on the Code of Conduct and the whistle blowing procedure in the 'What's On' section of each edition of the magazine.

The Council has taken active steps to improve its complaints procedure and continues to use the Council's complaints management system, iCasework, to record complaints and feedback. The Council's website has been updated to provide comprehensive information relating to complaints. This also includes a fact sheet about the role of the Independent Adjudicator. The Corporate

Complaints Team continue to deliver ongoing complaints management training. The training is designed to ensure that services learn from complaints, how to take preventative and corrective action and how to write an effective letter. The training will ensure there is a better understanding of the relationship between good complaints management and its impact on service development.

The Head of Strategy and Performance for Customer Services reports annually to the Standards Committee with an update on all non-statutory complaints for the Council, complaints performance is considered annually by Mayor and Cabinet and the Public Account Select Committee. Further reports are considered monthly at Directorate Management Team level.

Budget Strategy

A Budget Savings Strategy Group exists and meets at set intervals during the annual budget process. This group effectively replaces the former Efficiency Programme Board. With the recent emphasis being on securing budget savings (whether this be via improving efficiency or by budget cuts or service cessations) the group was created to focus on delivering the revenue budget savings which would be needed to make the strategy work.

The Group comprises, Heads of Strategy & Performance and Group Finance Managers, plus a representative from Human Resources and Legal Services. The Group has the remit to review and act as a sounding board for the budget strategy, savings process, savings proposals and the mechanics for ensuring the Council has a smooth process for delivering savings. The Group is also responsible for annually reviewing the process and suggesting ways to improve it.

In the 2011/12 [Annual Audit Letter](#), which focused particularly on financial issues, the Audit Commission concluded that: *“The Council has a strong culture of financial governance and leadership which is critical in meeting the financial management challenges and for securing financial resilience. There is a good track record of meeting budgets, delivering saving, supported by strong budget monitoring arrangements.”*

The Council has built on this solid base by setting robust budgets for 2012/13 and 2013/14 in challenging circumstances. Over half of the savings required to balance the 2014/15 budget have also already been identified.

However, the scale of the challenge to deliver further savings in 2015/16 and beyond is substantial. Elected Members and Officers are already working closely to develop a new budget strategy framework for the coming years.

SECTION H: Accountability and Community Focus

6. The Council will put in place mechanisms to encourage participation in the affairs of the Council by individuals and groups from a broad cross section of the community, and will monitor their effectiveness.

National code dimension: 5.8, 6.5, 6.7, 6.8, 6.10

We have an open and outward facing culture that is clearly focussed on the needs of our residents and facilitated by an exceptionally strong and diverse approach to engagement and consultation.

Examples of the Council's consultation and engagement mechanisms include:

- **Local Assemblies** - which came into operation in spring 2008, with one assembly for each ward. Each is led by local Councillors, and supported by officers. Meetings of the local assembly are held locally and open to anyone living or working in the ward. An annual survey and report are also undertaken to aid the group's development.
- **Young Mayor and Young Citizens Panel** - the panel has an entirely open Membership enabling any young person aged 11-18 either living or at school/college in the local area to join. The panel has over 300 Members who are invited to take part in various events throughout the year; these include ongoing Mayor's ward visits to local organisations, community groups and businesses. A consultation is also run regarding the Young Mayor's Budget in order for the Young Mayor and Young Advisors to ensure best use of their £30,000 budget. This tests out and agrees options and proposals with the wider Youth population. This is done online through websites, social media and also meetings in schools, youth clubs and communities. Additionally work takes place across the Community/Voluntary Sector, Faith Groups, Youth Service and School Councils.
- **uEngage** – this is an online system that allows anybody to search for all consultations by area of interest or ward. It also provides a platform for online engagement and e-petitions.
- **Overview and Scrutiny** - committees regularly encourage contributions and participation from local people in the scrutiny process.

- **Lewisham Residents Survey** - which was carried out in the Autumn of 2012 to understand resident's perception of the council and its services, their financial concerns, the local area and volunteering. Over 1000 residents were surveyed, face-to-face, in their home, to ensure a robust methodology. Quotas were set on age, gender and work status to match the profile of the population of Lewisham. Data was then also weighted to these profiles to give a representative picture of Lewisham.
- **Voluntary & Community Sector Children & Young People's Forum** - Lewisham VCS Children and Young People's Forum is a network of nearly 500 voluntary and community organisations that work with children, young people and families in Lewisham, which meets approximately every 3 months. The Forum enables the sector to support and develop itself by the sharing of good practice and forge strong partnerships with statutory agencies which include feeding into key policy consultations. It also provides an opportunity for the sector to engage at a strategic level by electing representatives across the CYP Strategic Partnership Groups. Representatives' feedback on discussions and gather views on specific issues at quarterly Forum meetings.
- **Children in Care Council** - The Children in Care Council (CICC) has been in operation since November 2009. Every young person is a member when they become looked after and there is a core group of 12 young people who work together with the participation officer to keep the council functioning day to day. The group perform a number of functions such as feeding into the Corporate Parenting Group, attending the DfE Children in Care Council Forum, and working with Lewisham's Children's Social Care on issues that may affect looked after children.
- **Stronger Communities Partnership Board** - Jointly chaired by the Cabinet Member for Third Sector and the Director of Voluntary Action Lewisham. The board seeks to increase levels of community participation and ensure diverse engagement with local and strategic levels of decision making.

To provide increased channels through which citizens are engaged, the Council continues to promote e-Participation through uEngage, an online engagement system. This system provides the platform through which citizens can respond to online consultations as well as set up and respond to e-Petitions, (a function which went live in April 2010).

The Council's engagement activity is overseen by the Strategy Performance and Communications Board. The Board is chaired by an Executive Director and

provides a strategic steer on the communication and consultation agendas within the Council. It is supported by its subsidiary, the Consultation Steering Group, which draws representation from across the Council and supports effective resident engagement at an operational level by:

- Maintaining a forward plan of consultation activity planned across the Council. By overseeing this plan the group helps to join up planned consultations wherever possible, avoiding duplication of effort and the risk of “consultation fatigue” among residents.
- Maintaining oversight of the planning and methodologies of consultations, including use of new tools and technologies, so as to ensure a consistent and high quality approach to engagement and to advise on issues such as sample selection, and strategies for engaging with seldom heard groups.
- To develop capacity and skills across the Council to undertake high quality engagement, through sharing best practice examples.
- To share findings from research and engagement activities and build a common understanding of the key messages and themes emerging from consultation activity.

Of particular note in terms of consultation is the Parking Survey, which was part of the wider Parking Policy Review. In total there were 3,000 responses to the parking survey, 91% of which were completed online using uEngage, although paper versions were also made available. Additionally letters were sent to all 8,396 permit holders to make them aware that the consultation was taking place. Findings from the survey, alongside, stakeholder events have gone on to inform policy proposals with the Parking Policy Review and stands as a best practice example of consultation which has advised a wide reaching policy decision, impacting on Lewisham residents, visitors, carers and businesses.

The Council’s employee survey, Talkback, took place in September 2012, completed by 44% of staff. The survey asks a range of questions about diverse aspects of working for the organisation, such as pay and benefits, communication, leadership and job satisfaction. The findings provide insight into how the organisation can improve as an employer and how staff feel about how the council is managing the changes it is currently having to make.

Re-accreditation of Investors in People (IiP) was awarded to the Council in November 2012. Almost 230 staff were involved, (including for the first time agency employees), as well as Trade Union representatives and elected

members. Meetings took place with assessors to give their views about working for the authority.

Investors in People is about business improvement and works within a framework which is there to help organisations with transforming their business performance. The framework is outcome focused, outlining what organisations need to achieve, but does not prescribe how, that is for the organisation to determine. The assessment involves a number of employee engagement approaches including focus groups and key stakeholder meetings.

There are also a series of Staff Forums (e.g. Black Staff Forum, Disabled Staff Forum, Lesbian, Gay, Bisexual and Transgender Staff Forum, the Apprentice Forum and the Young Employees Network) all of which provide staff an opportunity to get involved in the decision-making processes across the Council.

SECTION H: Accountability and Community Focus

7. In consultation with the local community will develop a vision for the local community and other stakeholders and will ensure that that vision is expressed clearly and publicised.

National code dimension: 1.1, 1.2, 1.3, 2.11, 3.8, 6.3

Lewisham Strategic Partnership (LSP)

The Lewisham Strategic Partnership [LSP] is responsible for developing Lewisham's Sustainable Communities Strategy [SCS] "Shaping our Future" and for monitoring progress against the priorities set out in the Strategy. The Partnership was set up in September 2001 and brings together 19 key representatives from the public, private community & voluntary sector agencies within Lewisham, to address the strategic issues facing the borough. The LSP is chaired by the directly elected Mayor of Lewisham.

Working with the LSP board are a series of thematic partnerships, each concentrating on a specific set of cross-cutting policy issues. The thematic partnerships bring together the relevant organisations and individuals to determine appropriate interventions and to ensure that joint-working results in the best possible outcomes. The current thematic partnerships are as follows:

- Children & Young People's strategic partnership
- Health and Wellbeing Board (as of 1 April 2013)
- Economic development & enterprise board

- Safer Lewisham partnership
- Stronger communities partnership
- Sustainable Development Partnership

‘Shaping our Future’ Lewisham’s SCS is underpinned by our vision:

‘Together we will make Lewisham the best place in London to live, work and learn.’ [Lewisham’s 2020 vision]

and two key principles:

- reducing inequality – narrowing the gap in outcomes for citizens
- delivering together efficiently, effectively and equitably – ensuring that all citizens have appropriate access to and choice of high quality local services

and six priorities:

- **Ambitious and achieving** – where people are inspired and supported to fulfil their potential;
- **Safer** – where people feel safe and live free from crime, antisocial behaviour and abuse;
- **Empowered and responsible** – where people are actively involved in their local area and contribute to supportive communities;
- **Clean, green and liveable** – where people live in high quality housing and can care for and enjoy their environment;
- **Healthy, active and enjoyable** – where people can actively participate in maintaining and improving their health and well-being; and
- **Dynamic and prosperous** – where people are part of vibrant communities and town centres, well connected to London and beyond.

A strong track record in user focus and engagement

Lewisham’s approach to priority setting has been acknowledged as robust: *‘good analysis of need, underpinned by excellent data, ensures the differentiated targeting of both universal and specialist services.’* The Partnership draws evidence and analysis from a comprehensive suite of information and data, which is used to identify priorities, take decisions and track performance. The Partnership hosts an interactive web-based system, which provides access to statistics about Lewisham and its residents.

Evidence of strong local engagement can be seen in the work of the Young Mayor who, alongside a team of young advisors, has played a key role in reviewing corporate strategies and plans. The introduction of Local Assemblies has given local people control over how money from the Locality Funds and the Mayor's Fund are spent in their ward. The development of housing transfer options also demonstrates our commitment to give local people a say in the future management of their homes. One of our local providers Phoenix Housing Trust is managed by local residents and is the first Community Gateway in London.

Our joint vision is promoted on the Council's website and in partnership strategies which are also published on the website. The strategic planning framework for the Council sets out how the various strategies and service plans that exist are connected to each other, with the vision of the Council and the LSP at the top of the hierarchy. The [LSP website](#) has links to key partnership plans and strategies.

Comprehensive Equalities Scheme (2012-16)

Taking account of the Equalities Act of 2010 the Council has developed a new Comprehensive Equalities Scheme. The objectives of Lewisham's CES are to:

- tackle victimisation, harassment and discrimination
- improve access to services
- close the gap in outcomes for our citizens
- increase understanding and mutual respect between communities
- increase participation and engagement

The scheme was developed as a result of extensive consultation. This has included presentations to voluntary & community organisations representing various protected characteristics and public bodies. Amongst those who have been consulted as part of this process include: the Standing Advisory Committee on Religious Education, the Ecumenical Borough Deans, the Lewisham Disability Coalition and Lewisham Ethnic Minority Partnership. Others included the Metro Centre, Lewisham Pensioners Forum and Lewisham's Young Mayor & Young Advisors. Presentations have also been made to internal staff forums.

SECTION H: Accountability and Community Focus

8. The Council will co-operate fully with external inspectors and respond positively to their findings, making arrangements to implement agreed actions effectively.

National code dimension: 1.5, 1.6, 2.10, 3.5

Corporate commitment

The council receives an Annual Audit Letter from its external auditors, which is now briefer in scope and more focused on financial matters.

Lewisham has a robust approach to managing performance, including responding positively to issues arising from inspections and assessment. The council's broader performance management offer ensures that we are able to continue to track progress in achieving borough-wide performance objectives and address areas for improvement impacting upon outcomes. A good example of how we are able to do this is through our monthly [Management Report](#). The report which is considered by our Executive Management Team and Mayor and Cabinet, enables senior management to gain a clear view as to whether actions taken to improve performance are achieving the desired outcomes.

Following inspections, the Council also uses the business improvement planning process to ensure areas for improvement are properly cascaded and monitored. Oversight for business improvement plan delivery is provided through each of the Council's four Directorate Management Teams as well as through our Strategy Performance and Consultation Board.

The development of [Lewisham's Children & Young People's Plan 2012-15](#) (CYPP) is a good example of how the Council uses strategic planning to strengthen partnership working and utilise collaborative effort to drive improvement. Oversight for the delivery of CYPP objectives is provided by a multi-agency borough-wide partnership as well as through the targeted interventions of individual partners.

Below is a summary of inspection and assessment results for children and adults in Lewisham, during 2012:

Children

The [Safeguarding and Looked After Children](#) inspection report produced by Ofsted and the Care Quality Commission back in March 2012, highlights a number of areas in the safeguarding outcomes for children and young people and good outcomes for looked after children and care leavers, where performance information and audit assurance have been used effectively both within the Council and across the partnership to support commissioning and strive for continuous improvement.

The good practice resource - [Adopting the Right Approach](#) - published by Ofsted in October 2012, profiles Lewisham's Adoption Service, and is available for review by other Authorities through the Ofsted website.

Adults

The [Community Education inspection](#) report produced by Ofsted in April 2012 states that outcomes for learners have improved significantly over the past four years; overall the performance is satisfactory with some high performing areas such as English for Speakers of Other Languages (ESOL) and arts and crafts. The service sets ambitious but realistic performance improvement targets. Systems for monitoring quality and developing the provision are sound, and their implementation over the past two years is beginning to have a positive impact on the quality of learning.

The Care Quality Commission (CQC) has moved to a revised assessment model from 2012 based on compliance against national standards, as such, this will no longer be area based.

Section I
Financial matters

SECTION I: FINANCIAL MATTERS

In addition to those financial matters raised elsewhere in this code, the Council will:

1. Put in place a process by which resources are allocated to priorities

The Council's corporate, financial and asset planning processes are integrated. This ensures that the policy implications of both capital and revenue resource allocation decisions are fully considered during the budget setting process. The annual budget report went to [Mayor and Cabinet](#) on 13th February 2013, and subsequently to Council on 27th February 2013. As in previous years, all budget savings proposals were analysed for their impact on each of the ten priorities; they were also assessed for their equalities impact in line with equality legislation. Conscious and explicit policy choices were made during this process to allocate resources to priorities, for example to continue cleaning streets at least weekly.

SECTION I: FINANCIAL MATTERS

2. Adopt a financial reporting process to ensure that Members receive financial monitoring reports at appropriate intervals

National code dimension: 1.4, 1.7, 6.9

Timely and accurate monitoring reports are produced monthly and are reported to the Executive Management Team. These are also reported to Public Accounts Select Committee and Mayor and Cabinet every quarter. Last year's in-year forecasts were consistent with the year-end out-turns and the rolling forecasts used throughout the year supported efficient closure of the [accounts](#) and reporting of those to Members in June 2012.

SECTION I: FINANCIAL MATTERS

3. Maintain an objective and professional relationship with external auditors

Grant Thornton were appointed as the Council's external auditors as part of the Audit Commission's national procurement process with effect from November 2012. Over the last six months officers have had constructive and professional discussions with them on matters of mutual concern. To date the feedback from Grant Thornton has been broadly positive in respect of internal systems of financial control and they will fairly shortly commence more substantive work in respect of the council's annual accounts.

This builds on the positive assurance that the council had from the outgoing external auditor, the Audit Commission who reported to members in their 2011/12 Annual Audit Letter in November 2012 that the Council *“has a strong culture of financial governance”*.

Internal Audit has Managed Audit status, whereby the Audit Commission (the Council's outgoing external auditors) placed reliance on the work of internal audit in forming their opinion. As part of the managed audit arrangements Internal Audit undertake reviews of the Council's fundamental systems.

Additionally the Council's outgoing external auditors, the Audit Commission, carried out an independent audit of the Council's Systems of Internal Financial Control and reported their findings in the 2011/12 Annual Audit Letter. Their letter dated October 2012, based on their audit of 2011/12, was reported to Members on 21st November 2012 at the [Audit Panel](#).

The 2011/12 [Annual Audit Letter](#) issued an unqualified value for money conclusion, stating that the Council *“has robust systems and processes to manage effectively financial risks and opportunities”*.

SECTION I: FINANCIAL MATTERS

4. Publish an annual statement of accounts in a timely manner

National code dimension: 1.4, 6.9

The last Statement of Accounts was approved by [Full Council](#) in September 2012 in line with the requirements of the statutory regulations.

Section J
Risk Management

SECTION J: Risk Management

1. The Council will put in place a robust system for identifying and evaluating significant risks to the authority

National code dimension: 4.4, 4.8

The Council's Risk Management Strategy was revised and amended to reflect current priorities and good practice at the end of 2010/11.

To ensure that risk management is at the heart of the Council's corporate governance arrangements, the links with other business processes such as performance management and business continuity were strengthened throughout the strategy. The strategy will be reviewed again in 2013.

In accordance with the Strategy, the main risk reporting mechanism continues to be by way of risk registers which are maintained at Operational, Directorate and Corporate levels. The Directorate and Corporate risk registers are maintained in the Council's performance management system, P+.

An introduction/refresher risk management e-learning training course has been developed to support managers and staff identify and manage risk.

The registers record significant risks and score them in terms of impact and likelihood. Target scores are set and performance against target is monitored. The Directorate registers are considered at DMT meetings prior to further consolidation and are then subject to further challenge at the Risk Management Working Party (RMWP).

The Corporate Risk Register is monitored, updated and reported quarterly to RMWP prior to both Directorate and Corporate registers being reported to and reviewed by Executive Management Team and the Internal Control Board. The Internal Control Board comprises all Executive Directors, Head of Law, Head of Audit & Risk and Group Manager Insurance and Risk. It is chaired by an independent 'non executive' person (Bill Roots, a former London local authority Chief Executive) for further challenge.

Management of risk is embedded in all of our corporate management processes and a comprehensive approach is embedded in managing risk for all major projects and programmes.

The focus on risk in the Management Report was reviewed in 2011/12 to include a statement on the risk environment for each priority as well as the risks with a 'red' rating being reported. In addition, for both corporate and directorate risks any significant variances against target are reported.

SECTION J: Risk Management

2. The Council will put in place effective risk management systems, including systems of internal control as well as effective arrangements for an objective review of risk management and internal control

National code dimension: 4.4, 4.8

In 2011/12 the Council retendered its Internal Audit Service contract and reappointed RSM Tenon Ltd. Each year, Internal Audit objectively reviews the Council's risk management framework, assessing its effectiveness and reporting its findings on risk management to the Risk Management Working Party, Internal Control Board and the Audit Panel. The reviews include any recommendations for strengthening the risk management framework. Internal Audit also deliver a full programme of internal audit reviews (the Audit Plan) focused on the Council's key systems and risks identified through the risk management process. These reviews provide assurance and recommendations for improvement on the internal control framework and key internal controls operating in the Council.

Significant risks or areas of non-compliance identified via the audit process are brought to the attention of the Internal Control Board. Where Internal Audit issue a 'limited' or 'no' assurance opinion risks are also reported to the Audit Panel. In addition, regular updates are provided to the Internal Control Board and the Audit Panel on progress made to implement the recommendations of Internal Audit by management to improve the management of risk.

The Council's governance, risk and control management arrangements are subject to annual independent review by Grant Thornton, the Council's external auditors.

The Council continues to build on the progress already made to ensure that risk management is fully embedded within all directorate's service planning and performance management processes. For example, the 2012/13 service improvement planning process included a strong focus on risk (looking at each of the financial, business and operational dimensions).

SECTION J: Risk Management

3. Annually the Council will publish an objective balanced and understandable statement and assessment of the authority's risk management mechanisms and their effectiveness.

National code dimension: 4.8

The Annual Governance Statement (AGS) was published with the Statement of Accounts in September 2012, and comments, amongst other things, on the Council's internal control environment and risk management framework, a review of their effectiveness and significant internal control issues.

The AGS action plan is monitored by the Annual Governance Statement Working Group throughout the year and progress on actions arising from the 2011/12 AGS and plans for delivering the 2012/13 AGS have been reported to the Internal Control Board.

The Council keeps its risk management arrangements under review to drive continuous improvement. Through the governance mechanisms outlined above, in 2012/13 the following activities were undertaken:

- The Council participated in the revised annual CIPFA risk management benchmarking exercise, performing in the upper quartile.
- All partnership leads supporting the Thematic Boards of the Local Strategic Partnership refreshed their partnership risks.
- A review of the last two years of risk reports and alignment of corporate and directorate risks was undertaken by the Internal Control Board.
- The corporate risk register was fundamentally rewritten from the perspective of the public and made available via the Audit Panel.
- The Risk Management Working Party are tracking delivery of risk mitigations to clearly identified responsible officers and deadlines.
- Internal Audit have undertaken a detailed mapping of risks to the Audit Plan and related assurance mapping, reported to Audit Panel.

In order to provide assurance on our risk management framework, a 'risk maturity thematic review' of risk management across the Council was again commissioned from our internal audit service providers, which reported in March 2013. The conclusion of the review is that the Council has maintained its

'managed' approach to risk, which is the second highest of the five potential categories for this assessment.

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Section K
Partnership Governance

SECTION K: Partnership Governance

1. The Council will ensure that it has robust and effective mechanisms to ensure that its partnerships are effectively governed, and that the risks involved in partnership working are accurately identified and appropriately managed.

National code dimension: 2.12, 2.13

In April 2008, the Monitoring Officer presented a report to the Internal Control Board that examined the governance arrangements of the Council's key partnerships. This was followed in February 2009 with a detailed audit of all the Council's major partnerships and contractual arrangements. The findings of that audit were reported to the Executive Management Team (EMT) and to the Internal Control Board.

As a result of that review, EMT required all Directorates to consider partnership governance arrangements, and particularly the business continuity arrangements of those partnerships, at Directorate Management Teams.

In November 2009, the Chief Executive presented a paper to ICB which assessed the main risks to the partnerships within each of Lewisham's six Sustainable Community Strategy priority themes.

In November 2009, Standards Committee considered a new "Standards in Partnership" protocol which had been developed by Standards for England. This protocol provides some behavioural principles to guide those participating in strategic partnerships without separate legal entity. Adherence to this protocol is intended to ensure that the aims of the partnership can be fulfilled effectively and the public can have confidence in the operation of the partnership.

The Standards Committee made a recommendation to refer this partnership protocol to the Lewisham Strategic Partnership, where it was considered on the 7th December 2009. The LSP reviewed its Terms of Reference and Code of Conduct in 2010 in order to reflect the good practice set out in the new Standards for England partnership protocol.

Following an LSP meeting in May 2012 the Mayor has requested that a review of the LSP be undertaken and a paper outlining the different options for the future role and work programme of the LSP be drafted. This options paper will be

available in early 2013/14 and will be used to facilitate discussion on the future partnership structure.

The Health and Social Care Act 2012 requires local authorities to have established a Health and Wellbeing Board as a committee by the 1 April 2013. The Health and Wellbeing Board brings together elected members and strategic partners to identify local health challenges and leads on the activity necessary to address them. The Board's responsibilities include:

- Preparing an assessment of relevant needs (the Joint Strategic Needs Assessment);
- Preparing and publish a strategy to meet the needs identified in the Joint Strategic Needs Assessment;
- The Board also has a legal duty to encourage integrated working between health and social care services.

Lewisham's Health and Wellbeing Board membership includes:

- Mayor of Lewisham
- Cabinet Member for Community Services
- Executive Director for Community Services
- Executive Director for Children & Young People
- Head of Joint Commissioning, Community Services
- Head of Commissioning, Strategy and Performance, Children & Young People
- Director of Public Health
- Chief Executive of Lewisham Healthcare Trust
- Representatives of South London & Maudsley NHS Foundation Trust
- Representative from the Lewisham Clinical Commissioning Group
- Chair of Lewisham Local Involvement Network
- Director of Voluntary Action Lewisham

Section L
Review

SECTION L: Review

1. The Council will monitor compliance with this Code annually. The Head of Paid Service, Chief Finance Officer and the Monitoring Officer will present a joint report to the Standards Committee on the extent of compliance, and the Council's annual statement of accounts will contain a statement explaining the extent of compliance. The Officers will also present any proposals for amendment to the Code for consideration.

This Report is submitted as evidence of compliance with the review procedure as stated above.

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Agenda Item 7

STANDARDS COMMITTEE		
Report Title	Annual Review of Whistleblowing	
Key Decision		Item No
Ward	n/a	
Contributors	Head of Law	
Class	Part 1	Date: 7 May 2013

1. Summary

This report sets out the seven referrals made under the Council's Whistleblowing Policy since 1st March 2012 and the action taken in response. It also proposes minor amendments to the Whistleblowing Policy.

2 Policy context

The Council is committed to the highest standards of ethical behaviour and seeks to ensure that action is taken into any report of alleged malpractice or wrongdoing. Through procedures such as the whistleblowing procedure the Council seeks to maintain and improve confidence in local governance.

3 Recommendations

- 3.1 To note the referrals under the Council's Whistleblowing Policy since March 2012 and to note the actions taken in relation to them.
- 3.2 To approve the Whistleblowing Policy appearing at Appendix 1.

4 Background

- 4.1 The Council first issued a whistleblowing policy in 1998. It has been reviewed regularly since then, for several years on an annual basis, the last review being carried out in March 2012. Its purpose is to provide a means by which complaints of malpractice or wrongdoing can be raised by those who feel that other avenues for raising such issues are inappropriate, whether because they fear repercussions or for some other reason. As members of the Committee will see, the policy confirms that as far as possible, those raising complaints will be treated confidentially should they so wish, though this cannot always be guaranteed. Members will also note that complaints may be raised in relation to councillors, employees, contractors or suppliers.
- 4.2 It is not proposed to make major changes to the current policy at this stage. The document appearing at Appendix 1 very broadly reflects that in force to

date with only two proposed amendments. The first removes the reference to Sally Hawkins as the independent Chair of the Standards Committee as this is no longer the case since the changes to the ethical framework introduced by the Localism Act 2011. The second proposal reflects the fact that the Council is no longer audited by District Audit but by Messrs Grant Thornton, and so they are referred to in the Appendix as a potential avenue of complaint outside the Council for those alleging financial impropriety.

- 4.3 The Head of Law, as the Council's Monitoring Officer, receives referrals under the procedure. She then either investigates personally or refers to another senior officer to investigate as appropriate, depending on the circumstances of the complaint.
- 4.4 It is a requirement of the policy that the Head of Law report to the Standards Committee annually, both detailing referrals made and making any appropriate suggestions for amendment to the policy.

5 Referrals

- 5.1 There have been seven referrals under the policy since the last report considered by this Committee. Details of these, duly anonymised, are set out below, with information as to the action taken.

5.2 Case 1

This case was referred to the Head of Law in May 2012 from representatives of a community college, which had previously received funding from the Council and which was no longer in receipt of funding. It was alleged that certain schools in the borough were incorrectly informing attendees that the college had closed down, and that certain (unnamed) officers were "bad eggs" who spread unfavourable reports about the college and though the officers had since left, their personal views "fester" into the beliefs of existing officers and providers. The college representatives also stated that in 2007, Council officers had questioned them about whether they were members of the "Ancient Egyptian Order" and suggested that the Council did not fund them because it believed them to be a cult. As the complaint was rather unclear about the specific details of the allegations, the Head of Law first wrote to the complainant on 29th May 2012 and later met the college's representatives on 5th June in an attempt to clarify their concerns. The Head of Law promised that on receipt of sufficient particulars to facilitate investigation, she would begin her enquiries. When nothing was received, the Head of Law sent a reminder asking for the requested information, but it was never received. On 3rd September the college wrote to say that they wished to discontinue their complaint. No further action was taken.

5.3 Case 2

This case, received in July 2012, related to a complaint which was received by the Head of Law via HR. A letter had been received alleging abuse of a child.

The Head of Law referred it immediately to the Director of Children's Services, who conducted enquiries in accordance with his statutory responsibilities. It transpired that the complainant had made previous unsubstantiated reports about the same child. There had been police involvement in relation to the complainant who suffered from mental illness. The Director of Children's Services was satisfied that no further action was necessary in relation to the allegations. His investigation was complete within a matter of days of referral.

5.4 Case 3

A parent complained to her local councillors in October 2012 that a head teacher was bullying, threatening and intimidating staff and targeting pupils for ridicule. The complainants' son had also been excluded from the school. The Head of Law advised that the parent should consider the normal appeal procedures for exclusion in respect of which she had engaged the services of a lawyer to represent her. The Head of Law also advised that the school has a formal complaints procedure and that the complainant should refer the issue of alleged bullying there. The matter was completed within two weeks.

5.5 Case 4

An anonymous email referral was received that an unnamed Lewisham manager was overheard talking about how he defrauded the NHS by claiming that his father lived with him (when in fact he said he lived abroad) and so avoided having to pay an invoice from the NHS for treatment he would otherwise have had to pay for. It was alleged that the employee concerned had access to Council. The case was referred to the Special Investigations Team in October 2012. They responded to the email and asked for further details but there was no reply. Because it was anonymous and the alleged perpetrator unnamed, the Team however could not progress their investigation further and the matter was closed.

5.6 Case 5

An anonymous allegation was made that a Council employee had had an inappropriate relationship with an underage participant on a Council programme, and that a different employee had inappropriate gatherings at her home involving staff, managers and young people. It was also alleged that one of these workers had employed a family member on the Council project she worked on and that they had inappropriate access to confidential information. The allegation was received in January 2013. The Head of Law referred it to the Executive Director for Children and Young People and a detailed investigation was carried out by the Director of Children's Services. He personally interviewed the staff concerned and made enquiries of the Head of Service. In addition, he identified a number of ways in which the details supplied by the complainant were demonstrably inaccurate. He decided on the basis of the evidence he gathered that the allegation was unfounded. The investigation was complete by mid February and no further action was taken.

5.7 Case 6

An allegation was received from an employee of the Council that the complaint of a former employee, who sought provision for her disabled child but did not receive it, was inappropriately refused access to Stages 2 and 3 of the statutory complaints procedure. That complaint has been investigated and nears completion. It will be included in the annual report next year.

5.8 Case 7

A complaint received anonymously on the Monitoring Officer website on 22nd April alleges theft of Council property by an employee. The Head of Law referred it to the Special Investigations Team immediately who will now investigate. The outcome will be reported in the next review of the policy.

6 Publicity

The Whistleblowing Policy appears on the Council's website, is referred to in the Council's Guide for Contractors and all new employees are informed about it in their induction process. Given that referrals are made under it from employees and public it would appear that people know it is there to be used. Another article in Lewisham Life and Managers Guide is proposed for this year in addition to the existing publicity measures to keep the profile of the policy high.

7 Legal and Financial Implications

There are no specific legal or financial implications arising from this report.

8 Crime and Disorder Implications

The entire policy is designed to ensure that criminal activity would be reported and investigated. Through the policy, the Council seeks to minimise the prospect of it by increasing the potential for it to be discovered.

9 Financial implications

There are no specific financial implications

10 Environmental implications

There are no specific environmental implications.

Whistleblowing Policy

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Whistleblowing Policy

Introduction

The Council is committed to the provision of the highest quality services for local people and to full accountability for the services it provides. The Council is also committed to the highest standards of conduct and has in place detailed rules, regulations, quality standards and procedures to ensure that these standards are observed. However, sometimes malpractice and wrongdoing may occur. Lewisham is not prepared to tolerate any such malpractice or wrongdoing in the performance of its services.

The Council acknowledges that the greatest deterrent to malpractice or wrongdoing is the probability that it will be discovered, reported and investigated thoroughly and that those responsible will be held to account. This policy is intended to be a clear and unequivocal statement that whenever any malpractice or wrongdoing by the Council, its employees, contractors or suppliers is identified or reported to the Council, it will be promptly and thoroughly investigated and that the alleged malpractice or wrongdoing will be rectified as necessary. The Council will also investigate means of ensuring that such malpractice or wrongdoing can be prevented for the future.

The Council is committed to ensuring compliance with its statutory obligations. This policy is one of a number of corporate policies, including the Lewisham Anti-Bribery Act 2011 policy, which together demonstrates and reinforces Lewisham's commitment to the prevention of malpractice in public life.

The scope of the whistleblowing policy - The principles

The policy is based upon the overriding principle that the public interest and the needs of service users must come first. The Whistleblowing Policy complies with the requirements of the Public Interest Disclosure Act 1998.

What's covered?

It is intended that any significant concern which a member of staff, service user, Councillor or member of the public has about any aspect of service provision the conduct of officers or Members of the Council, or the conduct of any other parties acting on behalf of the Council, which may be:

- unlawful (including fraud or corruption);
- against the Council's Standing Orders or policies;
- contrary to established professional or other standards, the Council's Member and Employee Code of Conduct or any other established Codes of Practice can be reported under this procedure.

It is not intended however, that this procedure should replace existing processes such as the grievance or disciplinary codes. Instead it may be that once the whistle has been blown, action under other processes (such as the disciplinary code) may ensue.

A supplement not a substitute

Anyone, including Councillors, employees, service users and members of the public are encouraged to raise complaints or matters of genuine concern with the Council. There are already in existence a number of channels available to raise such concerns. Where an appropriate avenue exists to deal with that concern, people are urged to use it. This whistleblowing policy is intended to supplement, rather than replace the existing procedures wherever practicable. These channels are:-

Service Managers/Directors

Anyone with a complaint about Council services is encouraged to contact the manager directly responsible for that service or the relevant Executive Director. In most cases where there is concern this avenue will be the first point of reference. If a complaint relates to an Executive Director, it should be referred to the Chief Executive.

The Council's Complaints Procedures

The Council has a corporate complaints procedure by which it invites any person to raise a complaint they may have about Council Services. Information about this procedure is available from the Advice and Information Service on extension 48761.

Local Councillors

Members of the public are encouraged to refer matters of concern to their local Councillor who can then either identify the best point of contact for them to report the matter or take up the issue on their behalf. Information about how to contact local Councillors is available from Governance Support at Lewisham Town Hall on extension 49455.

The Council's Grievance Procedure

This deals with complaints relating to an individual employee's conditions of employment. The whistleblowing policy is not intended to replace the grievance procedure and should not be used to deal with matters which relate to an individual's contract of employment. If a concern is raised through the whistleblowing policy which would be more properly dealt with through the grievance procedure, it will be referred to Andreas Ghosh, Head of Human Resources.

Anti-fraud Procedures

The Council's Anti-Fraud & Corruption Team (A-FACT) investigates all allegations of fraud within and against Lewisham Council and is part of the Audit & Risk Group based within the Resources and Regeneration Directorate. As well as Housing Benefit and Council Tax Benefit fraud the team has specialist officers covering housing fraud, employee fraud, fraud relating to contractors, blue badges etc.

Internal Fraud

The Council's Financial Regulations state that it is the responsibility of any employee discovering or having reasonable suspicion of any irregularity, misconduct or fraud immediately to notify the relevant Executive Director or Audit and Risk Manager. When so informed, the Executive Director shall appraise the circumstances and shall notify and discuss the action to be taken concurrently with the Audit and Risk Manager. All information shall be treated in complete confidence. Reports of suspected fraud may also be made to the suspected fraud, corruption or other financial irregularity can also be made to the Anti-Fraud & Corruption Team

Manager who will conduct an investigation and make recommendations for appropriate action. Further information about this procedure can be obtained from Carol Owen ext. 47909.

Benefit Fraud

All allegations of Benefit fraud should be made to Carol Owen, Anti-Fraud & Corruption Team Manager, preferably by email to, carol.owen@lewisham.gov.uk.

Tenancy Fraud

The Council has a dedicated Housing Investigator who investigates fraudulent applications for housing. They also receive allegations of subletting on behalf of Lewisham Homes and other housing providers. All allegations of housing related fraud should be made to Juliet Bennett, Housing Investigation Practitioner, preferably by email to juliet.bennett@lewisham.gov.uk. Any reports of suspected, corruption or other financial irregularity may also be made to reportfraud@lewisham.gov.uk or to the team's 24 hour freephone Hotline on 0800 0850119.

Statutory Officers

In addition the officers who have particular responsibility for regulating the conduct of the Council and its activities. They are as follows:

- Chief Executive (Head of Paid Service) - Barry Quirk ext 46444
Responsible for overall management of the workforce.

- Executive Director for Resources and Regeneration (Chief Finance Officer) Janet Senior ext 48013. Responsible for the financial management, audit and financial probity of the Council.
- Head of Law (Monitoring Officer) Kath Nicholson ext 47648. Responsible for advising on the probity and legality of the Council's decision making.

The Head of Law, as Monitoring Officer, is the Council's Whistleblowing officer. Employees with serious concerns about Councillors should in the first instance raise them with the Head of Law.

The Standards Committee

The Council also has a Standards Committee made up of councillors and independent people. The role of the Standards Committee is to promote the highest standards of ethical conduct amongst members.

In the First Place...

People are primarily encouraged to use any and all of the mechanisms for raising concerns as set out above. For Councillors, public and staff it is likely that the majority of concerns will be dealt with by bringing the matter to the attention of management in the relevant Directorate. Such references are positively welcomed by the Council and once the issue is brought to light, the manager will treat the complaint seriously, investigate it promptly and inform the complainant of the outcome. The investigating officer will be expected to interview both the individual raising the complaint and the person complained against, as well as any other individuals as appropriate. If no further action is proposed, the complainant will be given an explanation. If further action is proposed under a separate Council procedure (such as the disciplinary code) the complainant will also be informed.

If a concern is raised by a member of staff, it would be normal for their first reference to be to their direct line manager. However, depending on the nature and sensitivity of the issue, or the identity of the alleged wrongdoer, the line manager may not be the appropriate manager. In such cases it may be more appropriate to raise the issue with a Head of Service or other senior manager. A member of staff may be accompanied by a friend when meeting management to raise a concern. In short, managers within Directorates will adopt a flexible and open approach so that those having concerns feel confident that they may raise them.

But if the usual channels aren't appropriate?

Circumstances may arise where none of the channels above is reasonably available. It may be that the whistleblower fears repercussions for example, or senior members of staff or Councillors may be implicated. Alternatively the whistleblower may have used those channels but still feel that there is real cause for concern. In such circumstances the whistleblower may refer their concern to the Head of Law directly.

The Head of Law will then ensure that the matter is dealt by her either personally or by a whistleblowing officer nominated by her and operating under her supervision.

The Head of Law will first receive and record the complaint in a register kept specially for the purpose. An initial assessment will then be made to decide what sort of investigation ought to take place. In the most serious cases, it may be that a Police enquiry will ensue or an independent investigation may be called for. In some cases, the issue will be referred for a management investigation, possibly by the Chief Executive or another officer nominated to act on his behalf. Allegations of fraud, corruption or financial irregularity will be referred to the Special Investigations Manager for investigation.

In other cases however, it may not be appropriate to conduct any further enquiry at all. People are encouraged to raise genuine concerns and do not have to prove them. But understandably they do need to demonstrate that there is a sufficient basis for investigation. This initial consideration will allow the Council to decide on the appropriate method of enquiry and to ensure that resources are not wasted where investigation would be inappropriate.

Unless the issue is raised anonymously then the whistleblowing officer will generally interview the whistleblower as part of this initial assessment. If the whistleblower requests that his or her identity remains confidential then all possible steps will be taken to respect that wish.

If an investigation is to ensue then the whistleblower will be informed of the fact and given an estimate of the time by when the investigation will be completed. Normally the investigation will be conducted within 28 days, though the time taken to conduct an enquiry will depend on the nature of the concern and its complexity. The whistleblower will be informed of the outcome and this will be noted in the register.

In appropriate circumstances the Head of Law and/or the whistleblowing officer will prepare a report for the Council and for the Standards Committee dealing with the outcome of a particular investigation, the action taken to rectify the situation and prevent a recurrence. Each year the Head of Law will prepare for the Standards Committee a report dealing with the application of the whistleblowing policy in the previous year, and making suggestions where necessary for changes to improve its efficiency.

Issues raised by Members of the Council or by the public shall be dealt with in a similar manner to those raised by employees, though serious concerns about the conduct of Councillors should in all cases be referred to the Head of Law.

Some General Safeguards

No Victimisation

The Council recognises that the decision to blow the whistle can be a difficult one to make, not least because there is a fear of reprisal from those who may be

perpetrating malpractice or others. The Council will not tolerate any victimisation of a person who raises a concern in good faith and will take appropriate steps to protect them, including where appropriate disciplinary action.

Confidentiality and Anonymity

The Council will, wherever possible, protect the identity of the whistleblower who raises a concern and does not want his/her name to be disclosed. However this may not be possible in all circumstances as the very fact of the investigation may serve to reveal the source of the information and the statement of the whistleblower may be needed as part of evidence against the perpetrator.

False and Vexatious Complaints

Just as the Council will seek to protect those who raise concerns in good faith, so it will seek to protect those against whom claims are made which turn out to be unfounded. A concern which is made in good faith and sincerely expressed may transpire to have no basis in reality. In addition it is possible that vexatious or malicious claims may be made. The Council will take disciplinary action against any employee who makes a vexatious claim. In either case, where it turns out that the claim was without foundation, the Council will use its best endeavours to ensure that any negative impact on the person complained of is minimised. However the Council acknowledges that it may not be able to prevent all such impact in every case.

Alternative methods of complaint

As well as the initial complaints and whistleblowing procedures set out in this policy, any member of the public who wishes to make a complaint about the Council may contact one of the following organisations:

Local Government Ombudsman who receives and investigates complaints of maladministration against the Council. He can be contacted at 21 Queen Anne's Gate, London SW1H 9BU, telephone 020 7915 3210.

The Council's external auditors who investigate complaints of financial irregularity or unlawful expenditure leading to financial loss by the Council. To contact the Council's external auditors write to Darren Wells, Grant Thornton UK LLP, Fleming Way, Manor Royal, Crawley, RH10 9GT. Tel: +44 (0) 1293 554 127
darren.wells@uk.gt.com

Further information about this whistleblowing policy can be obtained from Kath Nicholson ext. 47648 or Helen Glass ext. 49968.