

# Public Document Pack

## Standards Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Wednesday, 20 May 2015.



Barry Quirk, Chief Executive  
May 12 2015

Councillor Obajimi Adefiranye	Gill Butler
Councillor Brenda Dacres	Matthew Hill
Councillor Colin Elliott	Hannah Le Vay
Councillor Alan Hall	David Roper Newman
Councillor Simon Hooks	Cathy Sullivan
Councillor Hilary Moore	Leslie Thomas
Councillor Pauline Morrison	
Councillor Paul Bell	
Councillor Andre Bourne	
Councillor Jim Mallory	



# Standards Committee Agenda

Wednesday, 20 May 2015  
7.00 pm, Committee Room 3 - Civic Suite  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU

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

## Part 1

Item	Pages
1. Declaration of interests	1 - 4
2. Minutes	5 - 9
3. Local Code of Corporate Governance - Review of Compliance 2014-15	10 - 63
4. Review of Whistle blowing Referrals and Policy	64 - 77
5. Appointments to Sub-Committees	

STANDARDS COMMITTEE		
<b>Report Title</b>	Declarations of Interests	
<b>Key Decision</b>	No	Item No. 1
<b>Ward</b>	n/a	
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: May 20 2015

## 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 not take 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 2

STANDARDS COMMITTEE		
<b>Report Title</b>	MINUTES	
<b>Key Decision</b>	No	Item No. 2
<b>Ward</b>		
<b>Contributors</b>		
<b>Class</b>	Part 1	Date: 20 May 2015

## Recommendation

It is recommended that the Minutes of the meetings of the Committee, which were open to the press and public held on 11 December 2014 and 26 March 2015 be confirmed and signed (copies 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 11 DECEMBER 2014 at 6:30 p.m.

### Present

Councillors Peter Bernards, Brenda Dacres, Colin Elliott, Alan Hall  
Liz Johnston-Franklin, Helen Klier and Hilary Moore.

Independent members: Cathy Sullivan.

Apologies received from Councillors Obajimi Adefiranye, Simon Hooks, and Pauline Morrison, Gill Butler, Hannah Le Vay, David Roper-Newman and Leslie Thomas QC.

<u>Minute No.</u>	<u>Action</u>
1	<u>DECLARATIONS OF INTEREST</u>  None was declared.
2	<u>MINUTES</u>  RESOLVED that the minutes of the Committee meeting held on the 23 July 2014 be approved as a correct record and signed by the Chair.
3	<u>ANNUAL COMPLAINTS REPORT</u>  Ralph Wilkinson, Head of Public Services, presented the report which provided performance information for 2013/14 on complaints dealt with by the Council and its partners at Stages 1 and 2 of the corporate complaints procedure, as well as complaints and enquiries to the Mayor and councillors and complaints and enquiries from Members of Parliament.  The report and presentation did not include complaints or enquiries in relation to adult and children's social care both of which are reported

Minute  
No.

Action

individually and publicised according to statutory guidance.

The Independent Adjudicators report and the Local Government Ombudsman Annual Review Letter were also considered.

It was explained that there had been an increase in some complaints when compared with previous years. The most noticeable increase related to Council Tax and was attributable to legislative changes in Council Tax Benefit being replaced by the Council Tax Reduction Scheme. Another reason for the increase in complaints was a consequence of changes that removed or severely reduced the period of exemption awarded to empty properties.

It was explained that there had been some difficulties due to the increased volume of telephone and billing enquiries and a number of improvements were made to address those difficulties including the introduction of a number of automated messages directing customers to self service via the Council's web site.

In response to an enquiry from members it was further explained that no formal benchmarking was undertaken however officers do discuss the issue of complaints with colleagues in other boroughs. It was possible for some benchmarking of overall numbers to be carried out however processes are different so the reliability of any benchmarking is uncertain.

Members of the Committee noted that the report was very helpful, useful and detailed.

RESOLVED that the report be noted.

4 COMPLIANCE WITH THE MEMBER CODE  
OF CONDUCT

Kath Nicholson, Head of Law and Monitoring Officer, presented the report and explained that the report provides information about the extent of compliance with the Member Code of Conduct.

The committee's attention was drawn to the written observations of Independent Member, David Roper- Newman, that the absence of complaints against councillors is very encouraging and must be due in large part to compliance with high standards of ethical conduct on the part of councillors themselves, coupled with the high degree of support from the Council's Monitoring Officer.

RESOLVED that the report be noted.

5 STANDARDS COMMITTEE WORK PROGRAMME.

Kath Nicholson, Head of Law and Monitoring Officer presented the item and invited the Committee to comment.

The Chair identified the need for some specific training on the use of social media.

Kath Nicholson agreed to seek the assistance of the Member's Training and Development Team and the Council's Head of Communications in securing appropriate training and guidance.

RESOLVED that the work programme shown in paragraph 3.3 of the report be agreed.

DATE OF NEXT MEETING

20<sup>th</sup> May 2015

The meeting ended at 7:45pm

# MINUTES OF THE STANDARDS COMMITTEE

Thursday, 26 March 2015 at 8.47 pm

PRESENT: Councillors Brenda Dacres (Chair), Simon Hooks (Vice-Chair), Andre Bourne, Obajimi Adefiranye, Colin Elliott, Alan Hall, Paul Bell, Jim Mallory, Hilary Moore and Pauline Morrison.

## 1. Approval for the Membership of the Standards Committee 2015/16

RESOLVED that members be appointed to the Committee as follows:

Councillor Jimi Adefiranye  
Councillor Paul Bell  
Councillor Andre Bourne  
Councillor Brenda Dacres  
Councillor Colin Elliott  
Councillor Alan Hall  
Councillor Simon Hooks  
Councillor Jim Mallory  
Councillor Hilary Moore  
Councillor Pauline Morrison  
Cathy Sullivan  
Gill Butler  
David Roper Newman  
Leslie Thomas  
Matthew Hill  
Hannah Le Vay

## 2. Election of Chair and Vice-Chair 2015/16

RESOLVED that Councillor Brenda Dacres be elected as Chair and Councillor Simon Hooks be elected as Vice-Chair for the Municipal Year 2015-16.

The meeting closed at 8.48 p.m.

# Agenda Item 3

Standards Committee			Item	3
<b>Title</b>	Review of Local Code of Corporate Governance 2014-15			
<b>Wards</b>	All			
<b>Contributors</b>	Head of Law			
<b>Class</b>	Open	<b>Date</b>	20 May 2015	

## 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. Compliance with this code is subject to regular review, the last of which was reported in June 2014. Compliance with the Local Code has again been reviewed (see Appendix 2); 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.

## 3. Recommendations

- 3.1 Members of the Standards Committee are asked to consider and endorse the outcomes of the review.

## 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 July 2014 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:

- Code of Conduct and Equalities
- Induction and decision making
- Dealing with breaches of the Member Code of Conduct
- Individual Electoral Registration (MPs briefing)
- Decision making (officers briefing)
- Election issues (officers briefing)
- Members sitting on outside bodies
- Employee Code of Conduct

## **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.



# Appendix 1

## 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
- Honesty 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 2014/15

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 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. This is reflected in the Member and Officer Codes 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 2014 the Standards Committee reported the Member Code of Conduct appeared to be well embedded in Lewisham and that evidence suggested there was a high level of compliance.

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. 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 procedure was the report on School Meals Procurement which the Mayor and Cabinet reconsidered on 18 February 2015.

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:

Housing Regeneration Schemes (October 2014)

<http://councilmeetings.lewisham.gov.uk/documents/s31381/Housing%20Regeneration%20Schemes.pdf>

Council Tax Reduction Scheme (December 2014)

<http://councilmeetings.lewisham.gov.uk/documents/s32800/Council%20Tax%20Reduction%20Scheme.pdf>

River Corridors Improvement Plan (January 2015)

<http://councilmeetings.lewisham.gov.uk/documents/s33039/River%20Corridors%20Improvement%20Plan.pdf>

**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. It 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 the Code and its guidance and protocols. All Members are required to sign a declaration that they will comply with the Code of Conduct. 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.

To publicise the code, 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's [Code of Practice for Suppliers and Service Providers](#) refers specifically to the Member Code of Conduct.

A new procedure for the investigation of complaints was adopted by the Council in June 2012 and this was reviewed by the Standards Committee on [26 March 2014](#). The Committee made minor, but not significant, changes. At the same meeting, the cases investigated during the year and the outcomes were reported. 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 appointed two people to serve as the 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 reported to Full Council at the AGM on [11 June 2014](#) and a further report to be made at the Annual General Meeting in March 2015.

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 Council maintains an Employee Code of Conduct. 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.

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. Members were provided with training on the operation of the Code of Conduct as part of the induction programme which took place after the local elections in May 2014. The Head of Law delivered the training on 5 June 2014 and the slides have been made available.

**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 Members' Register of Interests is updated annually and is then reviewed by the Standards Committee. In accordance with the Localism Act declaration of interest forms were issued to all members and returned within 28 days of the local elections held on 22 May 2014 and members were informed of the requirement to update their returns if

necessary within 28 days of any subsequent changes occurring. Since 17 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**

The following officers are required to update the register of interests annually, and these updates are audited as part of the Statement of Accounts process:

- All officers at SMG1 salary scale and above
- All officers involved in procurement, commissioning and contract monitoring irrespective of grade
- All interims, consultants and agency staff who are paid at an SMG equivalent level.
- The declarations were last updated in November 2014.

**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.

**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 26 March 2014 the Standards Committee reviewed the whistle blowing policy and received a report about the complaints made under the whistle blowing policy during the course of the year.



**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 Member 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 a personalised approach. A comprehensive induction programme was delivered following the local elections in May 2014, designed to equip all councillors with the essential knowledge and skills required to undertake their roles. Further development sessions have been held since, covering chairing skills, using social media effectively and confident and effective communication skills. A number of all-Member briefings have also been held including sessions on licensing and planning, sitting on outside bodies, the Prevent Strategy and Health & Adult Social Care.

## **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 2014/15 reports to Council have included the adoption of the Openness of Local Government Bodies Regulations 2014, changes required by the Children and Families Act 2014, the creation of a Local Government Pension Scheme Collective Investment Vehicle and the inclusion of the provisions of the Local Government Electronic Communications (England) Order 2015. The Constitution has been updated to reflect these new responsibilities.

## **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. This year, all select committees have had the opportunity to review the savings proposals underpinning the budget for 2015/16 in advance of final proposals being presented by the Mayor. In addition, two time limited scrutiny working groups were formed to consider two significant and cross-cutting savings proposals in more detail (those relating to the Youth Service and Public Health). 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.

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 requirements of the Public Services (Social Value) Act 2012 were added in March 2013. 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.

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 was used 2 times in 2014/15. The Overview and Scrutiny Business Panel also refers 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 has the role of developing an annual work programme to enable it to contribute its views into the decision making process. 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**

The Council has approved the appointment of London Councils as its Independent Remuneration Panel. The Council had regard to its recommendations when agreeing councillors' remuneration, having first sought advice 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 for 6 years, 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 Allowance Scheme is attached to the [constitution as part VI](#).

The Council also publicises its Members Allowance Scheme each year in a newspaper. In June 2014, the Council published this information in The South London Press.

## **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 seven posts as statutory officers. In addition to the three corporate statutory roles, there is the Executive Director for Children and Young People, who is the statutory director for Children's Services; the Executive Director for Community Services who is the statutory director for Adult Services; the Head of Corporate Policy and Governance who is the officer responsible for the promotion of Scrutiny within the Council and the wider community, as required by section 9FB of the Local Government Act 2003; and 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 the functions of the Head of Paid Service including 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.

**Section H**  
**Page 39**  
**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. Council decisions 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 are 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.

A recent Data Protection Audit by the Information Commissioner's Office looked at data protection governance, records management (manual and electronic) and requests for personal data; and reported a reasonable level of assurance that processes and procedures are in place and delivering data protection compliance.

Modern.Gov has been introduced for the content management and publication of agendas and other committee 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 appropriate records management systems in the Council which comply with ISO 15489, the international standard for records management and section 46, Records Management Code of Practice of Freedom of Information Act (2000) and continue to be developed.

**SECTION H: Accountability and Community Focus**

**2. 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**

Decisions made by the Mayor may be subject to scrutiny at the 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 power was used 2 times in 2014/15.

**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 2014/15 the Cabinet Member for Resources and the Mayor both attended the Public Accounts Select Committee, the Cabinet Member for Children and Young People attended the Children and Young People Select Committee, the Cabinet Member for Community Safety attended the Safer Stronger Communities Select Committee, the Cabinet member for Health, Well-Being and Older People attended the Healthier Communities Select Committee, the Cabinet member for Housing attended the Housing Select Committee and the Cabinet Member for the Public Realm attended both the Sustainable Development Select Committee and the Public Accounts 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 2013-14**

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.

### **Annual Review of the Comprehensive Equalities Scheme 2012-16**

The Council's [Comprehensive Equalities Scheme 2012-16](#) (CES) sets out the overarching equalities objectives which ensure that the organisation complies with the three aims of the Public Sector Equality Duty which is part of the Equality Act 2010. The annual review of progress, against the Council's 5 objectives in the CES, pulls together various initiatives across the organisation that have been implemented over the year. The review is presented to the Safer Stronger Communities Select Committee for sign-off. The most recent [CES review](#) for the 2014-15 reporting year was presented on 10 March 2015

A recent Data Protection Audit by the Information Commissioner's Office looked at data protection governance, records management (manual and electronic) and requests for personal data; and reported a reasonable level of assurance that processes and procedures are in place and delivering data protection compliance.

## **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 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 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 the performance reporting structure. It provides a clear and easy to read analysis of performance against a basket of 58 indicators and also includes an executive summary to direct attention to areas of strong performance as well as areas requiring greater management attention. The Report is presented monthly to the Executive Management Team and quarterly to Mayor and Cabinet. It is produced entirely through the Council's performance management system and uses Red exception reporting to focus attention on key areas such as Projects, Risk, Finance and Performance. By combining these four areas for each of the Council's corporate priorities, it functions as a key tool for supporting decisions across the organisation. While examining this report, the Executive Management Team, Mayor and Cabinet and Public Accounts Select Committee are able challenge all aspects of performance.

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

### **Complaints**

The Council's Comments, Complaints and Compliments procedure is publicised on the website. The Codes of Conduct and the whistle blowing procedure are published on the Council's website and referenced in each edition of the Council's magazine Lewisham Life, which is delivered to all households. 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 Public Services 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 at Directorate Management Team level.

### **Budget Strategy**

In the [2013/14 Annual Audit Letter](#), which makes reference to financial issues, Grant Thornton concluded that '...satisfied that in all significant respects the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2014'.

The [Medium Term Financial Strategy](#) was reported to Mayor & Cabinet in July 2014. This set out that an estimated £85m of savings is required from 2014/15 to 2017/18 over and above savings already agreed.

The Lewisham Future Programme Board has been established to carry out cross-cutting and thematic reviews to deliver these savings. The Board meets weekly and is chaired by the Chief Executive and consists of all Executive Directors, plus the Head of Corporate Resources and the Head of Service Design & Innovation.

The Council has built on its solid base by setting budgets for 2014/15 and 2015/16 in challenging and unprecedented circumstances. However, the scale of the challenge to deliver further savings in 2016/17 and beyond, is substantial. Elected Members and Officers will continue to work closely to ensure that the new budget framework is appropriate to meet this challenge.

## **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**

The Council has 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. In 2014 local assemblies were used to engage local residents in the ongoing discussions about budget savings, with each of the 18 assemblies hosting a 'Big Budget Challenge' event.
- **Young Mayor and Young Citizens Panel** - The Young Mayor is elected every year by their peers in schools and colleges across Lewisham. The Young Mayor works with a team of young advisors to represent young people and take part in consultations and contribute to policy discussions and decisions across the local authority and partners. A budget of £30,000 each year is allocated to the Young Mayor project to be spent after consultation with young people in the borough. This entails visiting and talking to young people in schools, youth club and voluntary organisations, developing a set of proposals and presenting them to the Mayor and Cabinet. The Young Citizens Panel works with the Young Mayor and advisors and is an open monthly meeting for any young people aged 11 -18 years, to come and discuss issues of interest and concern to them with relevant officers and representatives from the borough and partners. Young people can also participate in discussion through social media and the website.
- **Health and Wellbeing Strategy** - engagement activity was conducted to develop the Health and Wellbeing Strategy with residents and stakeholders including carers, voluntary and community sector organisations, arts and leisure groups, faith groups and housing providers. A deliberative approach was taken of round table discussions

and events were held over a number of months to get the widest possible involvement.

- **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.
- **Voluntary & Community Sector Children & Young People's Forum** - Lewisham VCS Children and Young People's Forum is a network of over 400 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.
- **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 a subsidiary, Delivery Group, which draws representation from across the Council and supports effective resident engagement at an operational level by:

- Maintaining a 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.
- Overseeing the planning and methodology 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.
- Developing capacity and skills across the Council to undertake high quality engagement, through sharing best practice examples.
- Sharing findings from research and engagement activities and building a common understanding of the key messages and themes emerging from consultation activity.

The Council produced a new Framework for Engagement in 2013 which set out a strategic direction for consultation and engagement in Lewisham. The document also outlines engagement practices within the borough; provides an outline of relevant legislation; highlights how to get the most out of engagement in light of financial and other challenges and considers how success will be measured.

The Council’s Engagement Guidance was also updated at the beginning of 2014. This guidance is intended as a companion tool to the Framework, which can be used to plan and implement successful engagement activity. It provides the latest information and good practice to ensure that the proposed approach is as effective as possible.

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 with an opportunity to get involved in the decision-making processes across the Council.

The Council also takes active steps to feed back the outcomes of consultation to participants. As an example, in 2014, the Council undertook a major consultation with local residents on budget savings. Entitled the [‘Big Budget Challenge’](#) the consultation provided residents with various opportunities through which offer their views and opinions on budget savings options. The results of the ‘Big Budget Challenge’ were published on the Council’s website.

**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**

The Lewisham Congress was established during 2014 and met for the first time in October 2014. The Lewisham Congress is an annual meeting for local community stakeholders, ie representatives from businesses and local enterprises, public sector partners, the VCS, civil society organisations and key local 'influencers'. The Congress will in essence provide a forum for discussion about how local partners can contribute to activity supporting delivery of the Mayor's Priorities for the borough.

'Shaping our Future' Lewisham's Sustainable Community Strategy 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 Council 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 Assemblies Fund is 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.

### **Comprehensive Equalities Scheme (2012-16)**

Taking account of the Equalities Act 2010, the Council has developed a Comprehensive Equalities Scheme (CES). 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 were 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, Grant Thornton, which focuses on the financial accounts, value for money and submissions to Government. The Council received unqualified opinions in all three areas. The Audit Findings Report is presented to Audit Panel.

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 service 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 during 2013-14:

- An unannounced Ofsted thematic inspection in CYP, looking at the Early Intervention Service, took place in January 2014. The inspectors looked in detail at 10 cases, meeting the professionals involved as well as the parents and a child. Clear strengths were identified including the very strong partnership working across all agencies; and the good practice in Children's Social Care cases, with strong decision making, child focused work and good management oversight.
- A '[Peer Review](#)' of Lewisham by the Local Government Association, took place in September 2014. The review looked at the Council's business management arrangements as well as issues relating to governance, community engagement and the challenges of delivering significant budget savings. The outcomes of the review were reported to Mayor & Cabinet in February 2015.



**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 12 February 2014, and subsequently to Council on 26 February 2014. 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 maintain Youth Service provision in the Borough.

In looking forward, the annual budget report for 2015/16 was reported to Mayor & Cabinet on 11<sup>th</sup> February 2015 and subsequently to Council on 25<sup>th</sup> February 2015.

## **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.

## **SECTION I: FINANCIAL MATTERS**

### **3. Maintain an objective and professional relationship with external auditors**

Grant Thornton are the Council's external auditors. The feedback from Grant Thornton on the audit of 2013/14 financial statements was broadly positive in respect of both their financial and value for money opinions. From their reporting of the 2013/14 audit findings to Council, Grant Thornton stated that "the financial statements were overall of good quality." In respect of value for money the auditors concluded that the Council had, put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year

ending 31 March 2014.” The planning and interim work for the 2014/15 financial statements is now underway with early feedback provided to the Audit Panel in March 2015. This was again broadly positive with key risk areas highlighted of which ensuring the timely and accurate completion of reconciliations was one.

**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 2014 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 2013/14. To ensure that risk management is at the heart of the Council's corporate governance arrangements, the links with other business processes such as service planning, performance management, and business continuity are made in the strategy. The strategy will be reviewed again in 2017. In accordance with the Strategy, the main risk reporting mechanism continues to be by way of risks in service plans at the Service level, and registers which are maintained at the Directorate and Corporate levels.

An introduction/refresher risk management e-learning training course is available 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, defining the Council's risk appetite, and performance against target is monitored. The Directorate registers are considered at DMT meetings prior to further consolidation and are then subject to 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 the Executive Management Team and the Internal Control Board.

The Internal Control Board comprises the Chief Executive, all Executive Directors, Head of Law, Group Manager Insurance and Risk, with the Head of Corporate Resources reporting to it. It is chaired by an independent 'non executive' - Bill Roots, a former London local authority Chief Executive.

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

The focus on risk in the Management Report was reviewed in 2014/15. 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 2014/15 the Council Internal Audit Service was in transition. The service provided by Baker Tilly ended in July 2014 on completion of the 2013/14 audit plan. The 2014/15 annual audit plan, to run from July to June, is being delivered by a combination of internal resources, key financial system audits by Mazars via the London Borough of Croydon contract framework, and London Borough Greenwich for school audits via a service level agreement. 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 Council's approach to internal audit is set out in the Internal Audit Charter.

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 directorates' service planning and performance management processes. For example, the 2014/15 service improvement planning process included a strong focus on risk.

**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 2014, and comments, amongst other things, on the Council's internal control environment and risk management framework, a review of their effectiveness and areas for improvement. The AGS action plan is monitored by the Annual Governance Statement Working Group throughout the year and progress on actions arising from the 2013/14 AGS and plans for delivering the 2014/15 AGS have been reported to the Internal Control Board.

For 2014/15 in addition to the AGS, at the suggestion of the Internal Control Board, the Council will also include a section on the AGS highlights in the annual report. These to include both the positive impacts and the governance challenges the Council faces looking forward to 2015/16.

**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**

The “Standards in Partnership” protocol developed by Standards for England provides some behavioural principles to guide those participating in strategic partnerships without separate legal identity. 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.

A paper on proposals to set up a Lewisham Congress in summer 2014 as part of the new arrangements for strategic partnership working is currently being discussed by Lewisham Strategic Partnership (LSP) partner organisations as well as through the Council’s decision making process. The LSP Board and the existing structure of thematic partnership will cease to exist when the new arrangements are agreed.

Under the Health and Social Care Act 2012 local authorities were required to have established a Health and Wellbeing Board as a committee by 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.

# Agenda Item 4

STANDARDS COMMITTEE		
<b>Report Title</b>	ANNUAL REVIEW OF COMPLAINTS MADE UNDER THE THE COUNCIL'S WHISTLEBLOWING POLICY	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Head of Law	
<b>Class</b>	Part 1	Date: 20 May 2015

## 1 **Summary**

This report sets out the referrals made under the Council's whistleblowing policy since the last annual review in March 2014 and invites the Committee to make any comments on whether the whistleblowing policy ought to be amended in any way.

## 2 **Recommendations**

- 2.1 To note the referrals under the Council's whistleblowing policy set out in this report and the action taken in relation to them.
- 2.2 To consider whether any changes to the current whistleblowing procedure are appropriate.

## 3 **Background**

- 3.1 A copy of the Council's current whistleblowing policy appears at Appendix 1. There has been a whistleblowing policy in place for several years and it has been reviewed by this Committee on an annual basis since 2000. The purpose of the policy 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 so far as possible, those raising complaints under the whistleblowing policy will be treated confidentially. Members will also note that complaints may be raised in relation to the actions of Councillors or employees.
- 3.2 Referrals under the policy are made to the Head of Law as the Council's Monitoring Officer. Investigations are either conducted personally by the Head of Law or referred by her for investigation to another senior officer with a report back to her.

#### 4 **Referrals Since April 2013**

There have been 2 referrals to the Head of Law in this period. They are as follows:

##### Case A

- 4.1 In late October 2014 the Monitoring Officer received a telephone call from a complainant requesting advice on making a complaint about a school that the complainant was employed at. On the 6<sup>th</sup> November 2014 the complainant provided the Monitoring Officer with a copy of their resignation letter which stated the reasons for the resignation was “not being prepared to work in a school with corruption, deceit, lack of equal opportunities and discrimination , with the majority being the Leadership Group and Heads of Department.”
- 4.2 On the 7<sup>th</sup> November 2014 a further email was sent on behalf of the Monitoring Officer to the complainant requesting that the complainant provide some specific allegations in writing to enable the Monitoring Officer to consider the matter. On the 9<sup>th</sup> November 2014 the complainant responded and confirmed that they would provide information to the Monitoring Officer.
- 4.3 On receipt of further details the Monitoring Officer referred the matter to the relevant Executive Director so that the matter would be dealt with in accordance with the Directorate’s procedures.
- 4.4 The letter setting out the detailed complaints was forwarded by Schools’ Human Resources to the Chair of Governors of the school when it was received.. The Head teacher was also requested by Schools’ Human Resources whether he wished for an exit interview to be arranged with the complainant. The head teacher failed to respond.
- 4.5 Unfortunately Schools’ Human Resources did not follow this up with the Chair of Governors and it appears that this complaint was overlooked during the difficult period at the school resulting in the governing body being dissolved and an Interim Executive Board being constituted.

##### Case B

- 4.6 On the 16<sup>th</sup> December 2014, the Monitoring Officer received an email from a complainant who wished to raise serious concerns about a school where the complainant was working. The Complainant expressed a wish to remain anonymous. On the same date the Monitoring Officer arranged for a response to be sent requesting that the complainant specify in writing the nature of the concerns and that

upon receipt of such information the Monitoring Officer would be in further contact.

- 4.7 The complainant responded later that day indicating that the concerns related to safeguarding and care provision at a school as well as the safety and well being of staff. Beyond that general description the complainant preferred not to detail the concerns any further until there was some form of clarification as to how the concerns would be addressed.
- 4.8 On the 18<sup>th</sup> December 2014 the Monitoring Officer responded to the complainant and again requested written details of the serious concerns the complainant wished to raise and confirmed that the Monitoring Officer would then consider the next step under the Council's Whistleblowing policy.
- 4.9 The Monitoring Officer sent a further email to the complainant on the 18<sup>th</sup> December confirming that she would do all she could to protect the complainant's identity but also explained that without specific allegations it would be extremely difficult to investigate the concerns. The Monitoring Officer invited the complainant to come and meet with her if this was preferred.
- 4.10 To date no request for a meeting has been received and the Monitoring Officer has been unable to progress this matter.

## **5 Review of the Procedure**

- 5.1 Generally, officers are of the view that the procedure is fit for purpose. Investigations are conducted under it and findings made, on occasion with recommendations for amending practice. Despite the limited number of referrals this year it is clear that people are aware of the policy and do use it. Officers would welcome any comments which members of the Standards Committee may have for changes to it.
- 5.2 At a previous Standards Committee meeting in March 2014, members asked, that in future the review should include some feedback from complainants on the application of the policy and their satisfaction with the process.
- 5.3 A whistleblowing satisfaction questionnaire has been produced and is sent to complainants on the conclusion of enquiries into their complaint. Unfortunately no review forms have been returned.

## **6. Financial Implications**

There are no specific financial implications arising from this report.

## 7. Legal Implications

- 7.1 The existence and application of the Council's whistleblowing procedure is consistent with the Council's overall fiduciary duty to exercise proper custodianship of the Council's funds and assets.
- 7.2 The promotion of the Code is also consistent with the Council's duty under Section 27 Localism Act 2011 to promote the highest standards of conduct by its members.
- 7.3 The Public Interest Disclosure Act 1998 affords certain protection to employees who blow the whistle on wrongdoing, for example by providing for dismissal as a result of doing so to be unfair, giving rise to compensation and possible reinstatement.
- 7.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 7.6 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for members bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

7.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

7.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

7.10 A whistleblowing policy which protects the whistleblower in so far as possible probably encourages those who are less confident in dealing with bureaucracy to come forward if they suspect wrongdoing.

## **8. Crime and Disorder**

Section 17 of the Crime and Disorder Act 1998 requires the Council when it exercises its functions to have regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The promotion of a whistleblowing policy provides a conduit to bring any allegation of wrongdoing to the attention of the Council for investigation and if appropriate to the attention of the police.

## **9. Best Value**

Under S3 Local Government Act 1999, the Council is under a best value duty to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. It must have regard to this duty in making decisions in relation to this report.

## **10. Environmental Implications**

Section 40 of the Natural Environment and Rural Communities Act 2006 states that: 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise

of those functions, to the purpose of conserving biodiversity'. No such implications have been identified in relation to the reductions proposals.

**11. Integration with health**

Members are reminded that provisions under the Health and Social Care Act 2012 require local authorities in the exercise of their functions to have regard to the need to integrate their services with health.

**12. Conclusion**

Members are asked to note the referrals under the existing policy and to advise whether they are of the view that any changes ought to be made to the existing policy appearing at Appendix 1.

For further information about this report please **contact Kath Nicholson**, Head of Law on 0208 314 7648



# Whistleblowing Policy

## Contents

Whistleblowing Policy .....	2
The scope of the whistleblowing policy - The principles .....	2
What's covered? .....	2
A supplement not a substitute .....	3
▶ Service Managers/Directors .....	3
▶ The Council's Complaints Procedures .....	3
▶ Local Councillors .....	3
▶ The Council's Grievance Procedure .....	3
▶ Anti-fraud Procedures .....	4
▶ Housing Benefit Fraud .....	4
▶ Tenancy Fraud .....	4
▶ Statutory Officers .....	5
▶ The Standards Committee .....	5
Some General Safeguards .....	7
▶ No Victimisation .....	7
▶ Confidentiality and Anonymity .....	7
▶ False and Vexatious Complaints .....	7
▶ Alternative methods of complaint .....	8

## Whistleblowing Policy


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](mailto: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](mailto:juliet.bennett@lewisham.gov.uk)

Any reports of suspected, corruption or other financial irregularity may also be made to [reportfraud@lewisham.gov.uk](mailto: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      Janet Senior ext 48013

Chief Finance Officer - The Council's officer with responsibility for the financial management, audit and financial probity of the Council.

Head of Law - Monitoring Officer      Kath Nicholson ext 47648

Dealing with 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 investigation 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 are 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.

### **How will the whistleblowing officer respond?**

Acting under the supervision of the Head of Law the whistleblowing officer 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

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 mal-administration against the Council. He can be contacted at 21 Queen Ann's Gate, London SW1H 9BU, telephone 020 7915 3210.

▶ Grant Thornton UK LLP - The Council's External Auditor who investigates complaints of financial irregularity or unlawful expenditure leading to financial loss by the Council. To contact Grant Thornton UK LLP write to Darren Wells ( Director) at The Explorer Building, Fleming Way, Manor Royal, Gatwick, RH10 9GT. Telephone 01293 554 120. Darren Wells can also be contacted at [darren.j.wells@uk.gt.com](mailto:darren.j.wells@uk.gt.com)

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